

Also, resolutions of the same, opposing reduction of postage to 1 cent until rural free delivery is more fully established—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the same, favoring the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the same, favoring the establishment of a parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the same, favoring initiative and referendum on all important legislation—to the Committee on the Judiciary.

By Mr. HASKINS: Petition of A. R. Hood & Son, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HAY: Petition of heirs of Lewis M. Miller, deceased, late of Frederick County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of heirs of James P. Mahaney, deceased, late of Frederick County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. HOWELL: Protests of Capt. T. S. P. Brown, of Brielle, and John Scully, of South Amboy, N. J., and the Atlantic Carriers' Association, against the suspension of the navigation laws—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Nelson F. Clayton and Abram Voorhees, of Cranbury, N. J., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. IRWIN: Papers to accompany bill for the relief of Stanley E. Brown—to the Committee on Claims.

By Mr. JACKSON of Kansas: Papers to accompany House bill granting a pension to Alonzo S. Bowden—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Abraham Mann—to the Committee on Invalid Pensions.

By Mr. MORRELL: Papers to accompany House bill 66695, granting an increase of pension to Charles P. Clarke—to the Committee on Invalid Pensions.

By Mr. NAPHEN: Resolution of the Massachusetts State Board of Trade, for an appropriation for the survey of New Bedford Harbor—to the Committee on Rivers and Harbors.

Also, resolution of the Boston Associated Board of Trade, for the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Peoria (Ill.) Retail Grocers' Association, for the appointment of a commission to investigate the construction and operation of the various State food laws—to the Committee on Interstate and Foreign Commerce.

By Mr. RIXEY: Petition of M. K. Lupton and others, of Round Hill and Hamilton, Va., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. ROBERTS: Petition of Mrs. M. J. Bradford Company, Melrose, Mass., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, paper to accompany House bill granting a pension to Mary J. Taylor—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: Papers to accompany House bill 16807, granting an increase of pension to Henry Cronk—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15860, granting an increase of pension to Ebenezer L. Beach—to the Committee on Invalid Pensions.

By Mr. SHATTUC: Papers to accompany House bill 7318, granting a pension to Thomas D. Horner—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 5274, relating to the correction of the military record of Isaac Dulhagen—to the Committee on Military Affairs.

By Mr. SIBLEY: Resolution of the bar of Warren County, Pa., favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes; also, report of special committee to accompany said resolution—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Kane, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. SLAYDEN: Petition of Judge J. D. Spears and other citizens of Dimmit County, Tex., asking that the county of Dimmit be restored to the jurisdiction of the circuit court of the United States for the western district of Texas, at San Antonio—to the Committee on the Judiciary.

By Mr. HENRY C. SMITH: Petitions of Charles Maynard, S. C. Stinson, E. D. Matthews, C. A. Hubbel, and Judson Hawkins,

urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SPERRY: Petitions of citizens of Middletown, New Haven, and East Hampton, Conn., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolution of the Connecticut Civil Service Reform Association against the passage of any veteran preference bill and favoring reform in the consular service—to the Committee on Reform in the Civil Service.

By Mr. STEPHENS of Texas: Petition of citizens of Ringgold, Tex., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. WOODS: Resolutions of the Claremont (Cal.) Citrus Union, urging that measures be taken for the protection of Government forest reserves—to the Committee on the Public Lands.

Also, resolutions of Manufacturers and Producers' Association of California, for the establishment of a permanent warehouse at San Francisco for the reception and distribution of Indian supplies—to the Committee on Indian Affairs.

By Mr. ZENOR: Papers to accompany House bill 5762, granting a pension to William H. T. Hostetler—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14688, granting an increase of pension to Harriet S. Packard—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13902, granting a pension to Albert T. Weathers—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, January 6, 1903.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

VESSEL BETSEY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brigantine *Betsy*, Thomas McCray, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented the petition of C. E. Bishop, of San Diego, Cal., praying for the enactment of legislation to permit all paymasters' clerks to take the examination for the grade of assistant paymaster in the United States Navy; which was referred to the Committee on Naval Affairs.

He also presented the petition of Rev. L. W. Gade, pastor of the Christian Church of Industry, Ill., praying that he be considered a candidate for the position of Chaplain of the United States Senate; which was referred to the Committee on Rules.

He also presented a petition of the American Antisaloon League, of New York, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the United States Capitol building; which was referred to the Committee on Rules.

He also presented a petition of the national executive committee of the National German-American Alliance, praying for the appointment of an immigration commission and also that no further action be taken on the pending immigration bill; which was ordered to lie on the table.

Mr. PLATT of New York presented a petition of America Council, No. 67, Junior Order of United American Mechanics, of Brooklyn, N. Y., praying for the passage of the so-called immigration bill; which was ordered to lie on the table.

He also presented petitions of Car Painters' Local Union, No. 1, of Albany; of Broom Makers' Local Union, No. 14, of Amsterdam; of Brick Layers, Plasterers, and Stone Masons' Local Union, No. 39, of Rochester; of Local Union No. 24, of Batavia; of Laborers' Protective Union, No. 9572, of Ticonderoga; of the Central Trades and Labor Assembly of Elmira; of Local Union No. 620, of Troy; of Wood Workers' Local Union, No. 636, of Troy; of Local Union No. 74, of Rochester; of Pulp, Sulphite, and Paper Mill Workers' Local Union, No. 9, of Ticonderoga; of Coopers' International Union, No. 2, of New York City, and of the Hospital Nurses and Employees' Local Union, No. 10507, of Rochester, all of the American Federation of Labor, in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. FAIRBANKS presented a memorial of the Coopers' International Union, American Federation of Labor, of Kansas City, Kans., remonstrating against the enactment of legislation to prohibit the issuance of revenue stamps on beer in eighths; which was referred to the Committee on Finance.

He also presented a petition of the Charles Boldt Glass Company, of Muncie, and the petition of T. J. Holden and sundry other citizens of Muncie, all in the State of Indiana, praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented the petition of Josiah Morris and sundry other citizens of Coloma, and the petition of C. F. Morris and sundry other citizens of Rockville, all in the State of Indiana, praying for the adoption of an amendment to the bill to increase the efficiency of the militia so as to provide for an exemption clause based on conscientious scruples; which was referred to the Committee on Military Affairs.

He also presented a petition of the Indiana Bituminous Coal Association, of Terre Haute, Ind., praying for the ratification of a reciprocity treaty with Canada whereby the bituminous coal of each country shall be admitted free of duty into the territory of the other; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Citizens' Semicentennial Canal Association, of Sault Ste. Marie, Mich., praying for the enactment of legislation providing for the commemoration of the semicentennial anniversary of the commencement of the construction of the ship canal between Lake Huron and Lake Superior at the falls of the Sault Ste. Marie River, in the State of Michigan, occurring June 4, 1903; which was referred to the Committee on Commerce.

He also presented a petition of the National Live Stock Association, of Kansas City, Mo., praying for the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

Mr. DOLLIVER presented a petition of Kabaker Lodge, No. 318, of Burlington, Iowa, praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

He also presented petitions of Local Union No. 708, of Forbush; of Local Union No. 13, of Cincinnati; of Bakers' Local Union No. 240, of Sioux City; of the Trades and Labor Congress of Dubuque; of Typographical Union No. 406, of Mason City; of Local Union No. 161, of Boone; of Local Union No. 126, of Ottumwa; of the Trades and Labor Assembly of Marshalltown, and of Local Union No. 346, of Fairfield, all of the American Federation of Labor, in the State of Iowa, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented sundry papers in support of the bill (S. 5762) granting a pension to Michael Fitzpatrick; which were referred to the Committee on Pensions.

Mr. MITCHELL. I present a communication from Hon. J. W. Ivey, of Alaska, transmitting to Congress sundry resolutions of different chambers of commerce, boards of trade, city councils, and mass meetings in that Territory; also transmitting sundry petitions and memorials of chambers of commerce, boards of trade, business men's associations, boards of mines, commercial clubs, merchants' exchanges from various cities and towns in the United States, and also a petition very numerous signed by citizens of Alaska, representing about twenty towns in that Territory, praying for the enactment of legislation by Congress in the interest of that Territory, as follows:

1. Legislation giving to the Territory of Alaska a Delegate in Congress;
2. That liberal land laws be enacted to open the lands to settlement and the mineral wealth of the district to the industries of the United States;
3. That such aid be extended as may be necessary in the construction of wagon roads, railroads, and telegraph lines in the Territory;
4. That the system of taxation by license be changed, the existing system being adverse to all precedent and inconsistent with the principles of the Government of the United States;
5. That provision be made for such light-house establishments as the necessities of commerce require;
6. For the protection of the fisheries of Alaska.

I move that the petitions be referred to the Committee on Territories.

The motion was agreed to.

Mr. MITCHELL presented a petition of the Multnomah County Sunday School Association, of Portland, Oreg., praying for the adoption of an amendment to the postal laws to prohibit the cir-

culation through the mails of liquor advertisements; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented a petition of Kenova Lodge, No. 530, Brotherhood of Railroad Trainmen, of Kenova, W. Va., praying for the passage of the so-called safety-appliance bill; which was referred to the Committee on Interstate Commerce.

TRUSTS AND CORPORATIONS.

Mr. HOAR. I present a letter from the Attorney-General, dated January 3, 1903, addressed to the chairman of the Judiciary Committee of the Senate, relating to what are called trusts. I move that the letter be printed as a document.

The motion was agreed to.

Mr. HOAR subsequently said: The Senate this morning made an order to print the letter of the Attorney-General addressed to the chairman of the Judiciary Committee of the Senate on the subject of trust legislation. It has been suggested to me that it is desirable to have printed with that the Attorney-General's Pittsburg speech and a list of decisions and cases pending before the court, which he has also furnished. I ask that the order may be so modified.

The PRESIDING OFFICER (Mr. DUBOIS in the chair). In the absence of objection, the order to print will be modified as suggested by the Senator from Massachusetts.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 15708) to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation, reported it without amendment, and submitted a report thereon.

Mr. GIBSON, from the Committee on Public Lands, to whom was referred the bill (S. 6339) to confirm certain forest-land selections made under the act approved June 4, 1897 (30 Stats., 36), reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (H. R. 16066) to amend an act entitled "An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900, asked that that committee be discharged from its further consideration and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 6445) granting an increase of pension to John F. Briggs, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2439) granting an increase of pension to Richard A. Larimer, reported it without amendment, and submitted a report thereon.

COMPILATION RELATING TO PARDONS, ETC.

Mr. PLATT of New York. From the Committee on Printing I report a joint resolution and ask for its present consideration. It is recommended by the Attorney-General.

The joint resolution (S. R. 148) to provide for the printing of a digest of the laws, decisions, and opinions relating to pardons and other acts of executive clemency under the United States and the several States was read the first time by its title and the second time at length, as follows:

Resolved, etc., That there be printed the usual number of copies of a digest of the laws and constitutional provisions now in effect of the United States and of the several States, the decisions of the courts of the United States and of the several States, and the opinions of the Attorneys-General of the United States relating to the extent of the pardoning power and the legal effect of pardons and other acts of executive clemency under the constitutions and laws of the United States and of the several States, said digest to include a summary of the laws now in effect of the United States and of the several States and the decisions of the courts of the United States and of the several States relating to the civil effects of convictions for offenses against the laws of the United States and of the several States; and that in addition to said usual number there be printed and bound in sheep 500 copies for the use of the Attorney-General, said digest to be printed under the editorial supervision of an editor or editors to be appointed by the Attorney-General and the editing and clerical work incident thereto to be paid for out of any moneys in the Treasury not otherwise appropriated on the direction of the Attorney-General at a price not to exceed \$2,500, which sum is hereby appropriated, and is to be in full payment for said work, except the cost of printing and binding the same.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPRODUCTION OF PORTRAITS.

Mr. PLATT of New York. From the Committee on Printing I report a joint resolution providing for the reproduction of portraits, and I ask for its present consideration.

The joint resolution (S. R. 149) providing for the reproduction

of portraits to accompany eulogies of deceased Senators, Representatives, and Delegates was read the first time by its title and the second time at length, as follows:

Resolved, etc., That hereafter portraits which accompany eulogies of deceased Senators, Representatives, and Delegates shall be reproduced, under the direction of the Joint Committee on Printing, at the Government Printing Office, and the said committee shall have power to designate the methods by which such portraits shall be reproduced.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6750) granting an increase of pension to Willis A. Morse;

A bill (S. 6751) granting an increase of pension to David W. Craig;

A bill (S. 6752) granting an increase of pension to John Smith; and

A bill (S. 6753) granting a pension to Florence Arnold.

Mr. BERRY introduced a bill (S. 6754) authorizing the city of Batesville, Ark., to draw water from the pool of Dam No. 1, Upper White River; which was read twice by its title, and referred to the Committee on Commerce.

M. FAIRBANKS introduced a bill (S. 6755) correcting the military record of Simon P. Rinehart; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6756) granting a pension to John C. Cummins;

A bill (S. 6757) granting a pension to James O. Lawlis;

A bill (S. 6758) granting an increase of pension to Nelson Purcell; and

A bill (S. 6759) granting an increase of pension to John A. Seiss.

Mr. SCOTT introduced a bill (S. 6760) for the relief of the county court of Berkeley County, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. DOLLIVER introduced a bill (S. 6761) for the establishment and organization of a nurse corps of trained women nurses in the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 6762) granting a pension to Michael Fitzpatrick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6763) granting an increase of pension to Hiram W. White;

A bill (S. 6764) granting a pension to Helene E. Warrens; and

A bill (S. 6765) granting an increase of pension to Charles A. Broadman.

Mr. BURROWS introduced a bill (S. 6766) making an appropriation to pay the Ottawa and Chippewa Indians of Michigan certain moneys due said Indians; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. QUARLES introduced a bill (S. 6767) granting a pension to F. Heinemann; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 6768) to authorize the free importation of commodities covered by trusts; which was read twice by its title, and referred to the Committee on Finance.

Mr. FAIRBANKS introduced a bill (S. 6769) to increase the limit of cost for the purchase of a site and the erection of a public building at Indianapolis, Ind.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DIETRICH introduced a bill (S. 6770) for the relief of A. Frederick Benjamin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6771) granting an increase of pension to Simeon Billings; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6772) granting an increase of pension to John B. Fisk; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

EARLY MISSIONARY WORK IN OREGON.

Mr. MITCHELL submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate 2,500 additional copies of Senate Executive Document No. 37, Forty-first Congress, third session, the same being a letter from the Secretary of the Interior to Hon. Schuyler Colfax, President of the Senate, of date February 8, 1871, directing the Secretary of the Interior to furnish any information in the possession of his Department pertaining to the "early labors of the missionaries of the American Board of Commissioners for Foreign Missions in Oregon, commencing in 1838."

SPONGE FISHERIES.

Mr. TALIAFERRO submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioner of Fish and Fisheries be, and he is hereby, directed to send to the Senate information regarding the sponge fisheries of foreign countries, the condition of such fisheries, regulations and methods of fishing, prices and markets for sponges, together with a report upon the feasibility of transplanting the best grades of oriental sponges to the waters of Florida.

SAFETY APPLIANCES ON RAILROADS.

Mr. BERRY. Mr. President, yesterday when I was not in the Chamber the Chair laid before the Senate a resolution introduced by the Senator from Colorado [Mr. PATTERSON] asking for certain information from the Interstate Commerce Commission. That resolution was agreed to on the 20th day of December, the day the holiday recess was taken. The Senator from Colorado was absent and had asked me to look after it. The resolution came up, and you will find in the RECORD at page 487 that the resolution was agreed to at that time. It is no longer before the Senate. It will be found in the RECORD, page 487, near the bottom.

Mr. FORAKER. I will inquire of the Senator if that is the resolution which was under consideration yesterday for a few moments?

Mr. BERRY. It is the same one, but it has already been passed by the Senate. It was agreed to on the 20th of December. I was looking after it for the Senator from Colorado. I remembered it, and referred to the RECORD, and the action of the Senate adopting the resolution will be found on page 487.

EFFICIENCY OF THE MILITIA.

Mr. PROCTOR. Mr. President, I wish to give notice that tomorrow morning, immediately after the routine morning business, I shall ask to have the militia bill laid before the Senate.

ANTHRACITE COAL.

Mr. HOAR. I ask that Senate bill 6659 be laid before the Senate.

The PRESIDENT pro tempore. The Chair is obliged to lay before the Senate at this time a resolution which came over from yesterday, if the Senator from Massachusetts will allow that to be done.

Mr. HOAR. I thought that had been disposed of by the suggestion of the Senator from Arkansas [Mr. BERRY].

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution offered yesterday by the Senator from Missouri [Mr. VEST] later in the day by unanimous consent. The resolution will be read.

The resolution submitted yesterday by Mr. VEST was read, as follows:

Resolved, That the Committee on Finance be instructed to prepare and report a bill amending "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, so that the tariff duty shall be removed from anthracite coal and the same be placed on the free list.

Mr. VEST. Mr. President, I understand the question before the Senate now to be on the motion of the chairman of the Committee on Finance, the Senator from Rhode Island [Mr. ALDRICH], to refer this resolution to the Committee on Finance. This is the first time in my parliamentary experience that the chairman of a committee which it is proposed to instruct in regard to a measure moves to refer that instruction to his own committee. It seems to me very much like the defendant in a law suit asking the court to refer the whole matter in litigation to him and his attorney.

The question to be determined by the Senate is whether the Finance Committee shall report back certain legislation to the Senate. Mr. President, I should say frankly—

Mr. HOAR. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. VEST. Certainly.

Mr. HOAR. I desire to make a suggestion to the Senator. I do not know what his convenience may be, and I surely would not wish to interfere with it in the least. The Senator from Rhode Island [Mr. ALDRICH] who made the motion is absent at this moment, and I had myself given notice that at the close of the routine morning business I would wish to submit some very brief

remarks on the trust question. I desire to ask the Senator whether it would be wholly agreeable to him to postpone his remarks until that Senator comes in and let me finish mine. If it is not absolutely agreeable to him, I will not press the suggestion.

Mr. VEST. Mr. President, I desire to be entirely courteous to the Senator from Massachusetts and the Senator from Rhode Island, but my physical condition is such that I prefer to say at this time what little I intended to say.

Mr. HOAR. Very well; I beg the Senator's pardon. I do not wish to interfere with him.

Mr. VEST. I shall say nothing which I would not desire the Senator from Rhode Island to hear, and I would be very glad if he were present. I shall violate no rule of courtesy in speaking of his committee. I am a member of that committee and as a matter of course I shall not say anything even in criticism of him or of any member of the committee.

Now, Mr. President, why should this resolution go to the Committee on Finance? Is there anything that committee can inform us of not already known to every intelligent schoolboy in the United States? Do we not all know and realize that this is no longer a partisan question as to the duty on anthracite coal, but a question of absolute humanity? We are not upon the verge of a crisis in regard to the coal question; we are in it. Women and children are freezing to death. The whole country was shocked within the last ten days by the statement that a poor woman and her child had frozen to death in a tenement house in the city of New York in the midst of wealth and luxury. Under the shadow of this Capitol within the last ten days a child 11 years old was frozen to death while luxurious vehicles were rolling across its asphalt streets and people were preparing for the festivities of Christmas. It is no longer a question of what party can be benefited. It is no longer a question of finance or political economy. It is a question of absolute humanity.

The citizens' committee appointed to see why it is that coal is now at such a price as to be beyond the reach of the poor and middle classes, sent a special agent, a gentleman of high character, to the anthracite coal region. After making a tour through all that region and closely examining the conditions, he reports that there are but two modes of relief to the seaport cities, and, in fact, to the people of the whole country. One is to procure soft coal, now selling at \$8.50 a ton; the other is to take the duty off of anthracite coal and permit it to come into this country where it can be laid down at \$8 a ton. If 67 cents per ton tariff duty is deducted from the \$8 we would receive coal here from Wales and Canada—anthracite coal as good as that in Pennsylvania or better—at \$7.33½ per ton.

Mr. President, let us deal in facts. I do not know, nor do I care, whether the price of coal is now being enormously increased by the coal dealers or by the owners of anthracite railroads and coal mines. As a consumer and representing consumers, my only solicitude is how to find a remedy for this disgraceful and outrageous condition of affairs. I know that the consumers are being plundered day by day and hour by hour. I attempted to buy a ton of coal yesterday, and the lowest price for indifferent coal was \$12 a ton. I bought a ton of coal some weeks ago and paid \$14 to a dealer whom I had traded with for twenty years. He allowed me to have a ton for \$14 as a matter of personal kindness. After that I tried to buy three tons more, and was asked \$20 a ton. When I concluded to buy coke here in the city of Washington, they asked me \$16 a ton, when the normal price of coke is about \$3.

The coal dealers say that they can not sell coal for any less because the mine owners have put the price up for them. The mine owners declare that the coal dealers are heartlessly robbing the people and making an enormous profit upon all the coal they get from the mines. One of the independent coal operators was taken unwillingly before the board of arbitrators last week and he swore that he was under contract furnishing his coal to the Lackawanna Railroad at the mines for \$2.50 a ton. And we are charged \$12 a ton in the city of Washington.

What would be thought of a State legislature that sat silent and inactive when the people of the Commonwealth were being robbed after this fashion? And yet we are the legislature of this District, to go no further and to consider this question simply as one applied to this District, and here we are silent, dumb, either afraid or unwilling to take any action and answering the appeals of these poor, freezing women and children with a party cry, "Stand pat; stand pat." Nothing is to be done to this sacred white elephant, the Dingley tariff act; and yet the President of the United States tells us in his message that the remedy is to take the duty off of anthracite coal. The Secretary of the Navy has publicly announced that to be the remedy. The junior Senator from Massachusetts [Mr. LODGE] yesterday applied a homeopathic dose of the same medicine and proposed to suspend the duty for three months. If it is a good medicine for three months, it is the allopathic medicine that ought to be administered

according to the prescription of Theodore Roosevelt, President of the United States.

Now, Mr. President, if this resolution goes to the Committee on Finance it goes to the parliamentary tomb of the Capulets and it will never be heard of again. What chance has this resolution with the known opinions of the dominant party of this Chamber and the dominant majority of the Finance Committee of being considered, much less of being adopted?

One distinguished member of the Finance Committee yesterday told us that there was no duty upon anthracite coal, and he says this in the face of the declaration of the President of the United States, who wants to remove that duty. He says it in the face of the declaration of the Secretary of the Navy, who has declared that this duty was put into the Dingley bill in a cowardly and sneaking manner and ought to be repealed at once. He says it in the face of the bill proposed by the junior Senator from Massachusetts to suspend this duty for three months. He says it in the face of the quasi judicial action of the board of appraisers in New York, who, after considering the whole question, declared that anthracite coal coming from Wales to this country under the provisions of the Dingley Act bore a duty of 67 cents a ton.

Mr. President, circumstances show that this resolution would never be even considered in the Committee on Finance. It would be strangled; and we know from experience how easily that can be done by a hostile majority in any committee.

In the Fifty-sixth Congress, at the first session, it will be remembered that a bill passed the House of Representatives amending what is known as the antitrust or Sherman law of 1890, making its provisions more drastic and punitive. That bill passed the House with but one dissenting vote, Democrats, Republicans, and Populists voting for it. It came over to the Senate three weeks before the adjournment of the first session of that Congress, and the Democrats proposed its immediate consideration. The Republican leaders opposed it on the ground that it was too important a question to be determined in the short time remaining of the session, and proposed to refer the bill to the Judiciary Committee, with the solemn promise that when we met in December, after the Presidential election in November, the bill should be taken up immediately and be disposed of by the Senate. On a yea-and-nay vote the bill went to the Judiciary Committee, and it was never heard of afterwards.

McKinley was elected in November. The trusts contributed liberally to his election. The entente cordiale was preserved between the trusts and the Republicans. We met in December, and after waiting for three weeks, with not a murmur from the Judiciary Committee, not a movement from any direction, the chairman of the national Democratic committee, the senior Senator from Arkansas [Mr. JONES], moved to discharge the committee and bring the bill before the Senate. Our Republican friends opposed that motion. They forgot their promises before the election and declared that the short session was not the time in which to consider so important a question, and upon a yea-and-nay vote it was determined by the Senate that the bill should not come before the committee; and there it stayed, and lingered, and languished, and died.

Now, with that object lesson before us, do we not know what will become of this resolution if it is sent to the Finance Committee? Do we not know that we send it to the executioner?

All I want, Mr. President, is for every Senator to put himself upon record, directly if possible, indirectly at any rate, for or against the relief which the President has suggested for the present condition.

Mr. President, I wish to call attention to one significant fact. It is contended by those of us who are opposed to the tariff wall which protects the trusts and combinations with the high duties of the Dingley Act, to reduce those duties or to remove them upon all trust-produced articles, so as to allow the only remedy that can by any possibility relieve the consumers of this country, and that is competition.

Now, what does the President of the United States propose as the remedy for the present condition of affairs in regard to anthracite coal? There is a fuel famine in this country to-day, not confined to the seaboard cities and to New England, but extending far west to my own State. In the third city of Missouri, St. Joseph, four days ago anthracite coal was selling at \$15 a ton, and not a stick of wood could be bought by the cord in the whole city. In Mexico, a flourishing town in the interior of Missouri, situated in one of the wealthiest counties in the State, the county of Audrain, coal could not be had at any price, and the schools were closed and the factories shut up, and the people threatened, with the winter coming upon them in that inclement latitude, with all the horrors that must attend a coal and wood famine.

Now, confronted by this evil, which he attempted to avert, the President deliberately tells us that the remedy is not to remove the duty upon anthracite coal for three months or three years, but to take it off absolutely, in order—now mark the words—in

order to meet such crises as may occur in the supply and price of coal. If that be the remedy as to coal, why is it not the remedy as to all the articles that are covered and protected by the high duties of the Dingley Act and placed under the control of trusts? If the bill the Senator from Massachusetts introduced yesterday is correct in principle, why not apply it to all trust-produced articles in this country?

Mr. Dingley, the author of the Dingley bill, declared that the duties in that act were too high, and that they were put there in order to form a basis or margin for the formation or creation of commercial arrangements with foreign nations in the way of reciprocity. Yet when reciprocity is suggested it is opposed by a large portion of the Republican party; and there is no more chance to-day, in my judgment, to reduce a single duty in the Dingley Act, as parties now stand in Congress, than for me to carry off this Capitol upon my shoulders.

I have had occasion to say, and I repeat it deliberately, the tariff is an interdependent mutuality of greed. When you once establish it it is established for all time to come, never to be reduced if it is possible to prevent reduction. The protected industries are like a brood of English sparrows. When one gives a cry of distress, the air is darkened with the whole brood rushing to its rescue. When you attack the trust upon peanuts, you must encounter the trust on salt, lumber, iron, meats, and all the necessities of life.

We are told that trusts exist in free-trade England as they do in the United States. I deny it. I demand the proof. I challenge the truth of that assertion. It is impossible to create a trust as to a great necessary of life produced in all of the countries of the civilized world, because it is impossible to raise enough capital to create such a trust and make it effective.

William L. Wilson went to England, as he told me and as he stated in the House of Representatives, in order to investigate the truth of this assertion, and after a six weeks' sojourn he returned and declared that it was not true. He cited one object lesson to show that it was not true. It was proposed some years ago, just before his visit to England, to create a paper trust. So soon as this was known the London Times and the other great newspapers of the Kingdom immediately brought into England and Scotland paper from the Continent and the United States duty free, and the trust did not survive forty-eight hours.

But, Mr. President, I do not propose to go into details in regard to this subject. All I want is a vote by yeas and nays. All I desire is that every Senator shall take his individual responsibility for his action in regard to this question. If it is to be a question of raising money for the next campaign for President, that is the end of all discussion. I saw the other day in a country newspaper some doggerel verses, not as majestic as the lines of Homer, but still with a great deal of truth. It will be remembered that in 1892 a distinguished Senator from Kansas, then living and a member of this body, in speaking of the necessity for campaign funds said that if he had his way he would fry the fat out of the wealthy manufacturers of Pennsylvania and make a campaign fund for the G. O. P. that would sweep the country. This country newspaper said, adding to the battle cry of the Republican party for 1904:

Stand pat,
Then pass round the fat,
And the G. O. P. will fry out the fat.

[Laughter.]

Mr. President, I ask for the yeas and nays on the motion of the Senator from Rhode Island to refer the resolution to the Committee on Finance.

The PRESIDENT pro tempore. The pending question is on the motion of the Senator from Rhode Island [Mr. ALDRICH] to refer the resolution to the Committee on Finance, and on that question the Senator from Missouri demands the yeas and nays. Is there a second?

The yeas and nays were ordered.

Mr. ALDRICH. Mr. President, it was my misfortune not to have heard the first part of the interesting statement of the Senator from Missouri [Mr. VEST], and I am not sure, therefore, whether he bases his extraordinary demand upon the Senate upon the novel and swift interpretation of the Constitution announced yesterday by the Senator from Texas [Mr. CULBERSON] or upon some other ground. My familiarity, however, with past tariff discussions in this body leads me to the conclusion that no obstacle, not even the prohibitions of the Constitution, are ever permitted to stand in the way of attacks upon the protective policy of the country by Senators upon the other side of the Chamber.

Of course, it will be necessary to reply to some of the statements made by the Senator from Missouri; but, in view of the fact that the Senator from Massachusetts [Mr. HOAR] has announced that he intended to occupy the floor at this hour, I desire to ask the Senate that this matter may go over until to-morrow without prejudice.

But in the meantime I want to deny as explicitly and as emphatically as I can that the late chairman of the Ways and Means Committee of the House of Representatives, Mr. Dingley, ever at any time or anywhere made the statement attributed to him by the Senator from Missouri, that the rates in the Dingley tariff act, so called, were fixed higher than they otherwise would have been with a view to being subsequently reduced by reciprocity arrangements.

The fact is—and it should be known to the Senator from Missouri and every other Senator who took part in the discussion of the bill—that the reciprocity provisions of the Dingley Act, to which the Senator referred, were inserted in the Senate of the United States months after the bill had been prepared and the rates had been fixed by Mr. Dingley and his committee and the bill had passed the other House. I simply make this statement as a matter of justice to Mr. Dingley's memory.

Mr. NELSON. I want to ask the Senator a question for my own information.

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from Minnesota?

Mr. ALDRICH. Yes, sir.

Mr. NELSON. I should be glad to know whether the provision relating to anthracite coal in the tariff bill was inserted in this body or in the other House?

Mr. ALDRICH. In this body. The provision was inserted at the instance of a Senator from the Pacific coast.

Mr. VEST. Will the Senator permit me?

Mr. ALDRICH. Certainly.

Mr. VEST. I simply want to make a remark in answer to the Senator from Minnesota [Mr. NELSON].

The Wilson tariff law, which was passed in 1894, put a duty of 40 cents a ton upon soft coal and placed hard coal—anthracite coal—upon the freelist. The Dingley bill in 1897 came from the House to the Senate with the same provisions as those contained in the Wilson law. After the bill came to the Senate, the majority of the Finance Committee instructed the senior Senator from Iowa [Mr. ALLISON] to move an amendment in the Senate increasing the 40 cents per ton duty on soft coal to 67 cents, and then inserting these words: "Upon all other coal having less than 92 per cent of fixed carbon, 97 cents per ton."

A debate followed, which covered seven pages of the CONGRESSIONAL RECORD. In that debate it was admitted on both sides, as the RECORD will show, that the words "less than 92 per cent fixed carbon" included anthracite coal. I have before me now the CONGRESSIONAL RECORD containing that debate and showing the vote taken in the Senate on the amendment offered by the Senator from Iowa. There were 31 votes, all Republican but one, in the affirmative and 24 votes, Democrats and Populists, in the negative.

I assert here now that, in my opinion, every Senator who voted upon that question knew he was voting for or against a duty on anthracite coal of 67 cents per ton. It has so been construed ever since, and the debate in 1897 proceeded on that assumption.

That is the true history of the present duty upon anthracite coal. The leaders of the Republican party have remained silent under the charge—the appropriate charge—made by the Secretary of the Navy that the duty upon anthracite coal was put into the Dingley bill in a cowardly and sneaking manner.

I am not thrusting myself into this debate between these distinguished gentlemen, who are far more capable than I am to defend themselves. I simply allude to this fact to show that the "stand-pat" policy has overridden everything else, and the Republican leaders leave that statement of a member of the Cabinet unanswered rather than permit an assault upon a single provision of the Dingley bill.

Mr. ALDRICH. I now ask that the resolution may go over without prejudice.

The PRESIDENT pro tempore. The Senator from Rhode Island asks that the resolution go over until to-morrow, retaining its present position as a resolution offered on a previous day.

Mr. VEST. If the Senator from Rhode Island or any other Senator wants to discuss the resolution, I have no objection; but I do not expect to be in the Senate to-morrow, and I should like to have a vote upon his motion.

Mr. ALDRICH. Mr. President, the resolution can go over until some time in the future convenient to the Senator from Missouri, when he can be here. I am not anxious about it coming up to-morrow, but I think the Senator will recognize the fact that, in view of the last statement he has made, it will certainly meet a denial on this side of the Chamber.

Mr. VEST. Very good.

Mr. ALDRICH. We can not discuss it at the present moment.

Mr. VEST. Very well; let the resolution go over until to-morrow, with the understanding that it shall then come up and be voted upon.

Mr. ALDRICH. There can be no understanding except that

the resolution be taken up, so far as I have any influence over it, at some time when the Senator from Missouri can be present.

Mr. VEST. I shall be present to-morrow.

Mr. ALDRICH. All right.

Mr. VEST. I want a vote on the resolution to-morrow.

Mr. ALDRICH. There is no understanding except that the resolution shall go over.

Mr. VEST. Of course I can not control the Senator's understanding.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island? The Chair hears none, and the order is made.

REGULATION OF TRUSTS OR CORPORATIONS.

Mr. HOAR. Mr. President, I now ask that the bill I named a little while ago be laid before the Senate. I do not ask that it be read.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill referred to by the Senator from Massachusetts, the title of which will be stated.

The SECRETARY. A bill (S. 6659) for the regulation of trusts or corporations engaged in international or interstate commerce.

Mr. HOAR. Mr. President, I suppose that nearly all thoughtful men in this country are agreed that some legislation, State or national, ought to be had for the regulation and control of what are called "trusts," and of large masses of capital, whether that term "trust" may be properly applicable to them or not, accumulated by corporations or artificial persons holding property and conducting business without individual liability. I suppose, in general, when men speak of trusts they mean a combination of such corporations, commonly with each other, although sometimes with natural persons, for the purpose of controlling some manufacture or some carrying trade or commerce, and of driving competitors out of the field. It is possible that this may be accomplished, however, by a single individual or a single corporation. So the remedy, if one be needed, to be wholly effectual must to a considerable extent be applicable to trusts, technically so called, to single corporations, and in some few cases to private copartnerships or individuals.

There is no doubt that there is a general feeling of insecurity and alarm about this matter. The great political parties have promised a remedy in their platforms. Candidates for office have discussed it all over the country. The President has called attention to it in his message and in his speeches. The Attorney-General of the United States has lately made to the public a careful statement, in which he told the people of his attempts, which have met certainly with gratifying success, to put down great combinations. One was a combination to control the price of a prime article of food. Another was a combination to control the carrying trade in a food product in a great section of the country. Another still was to control the general carrying trade of another large section of the country, by a combination of great railroads.

As yet, Mr. President, there has been only alarm and apprehension, without serious injury. With the very serious and important exception of the recent coal strike, the country has not suffered from this evil in any way to affect the general prosperity. Our manufacturing and producing and exporting power has increased of late as never before. Our foreign commerce is 1,382 millions, as against 1,363 millions of Great Britain, 1,113 millions of Germany, and 804 millions of France. Our domestic commerce is said to be more than twenty times as great as that with foreign nations. Our national wealth has grown nearly one-half in the last ten years. We have a larger national revenue than any other country in the world, except two. Our export of manufactured articles, which is still behind that of Great Britain and Germany, has increased in ten years 155 per cent, while the exports of Great Britain of manufactured articles have increased less than 18 per cent, those of Germany less than 30 per cent, and those of France less than 10 per cent.

We are foremost among the nations of the world now in the three great elements of national prosperity—agriculture, manufacture, and commerce. We now produce more for our own consumption than any other nation; we are now the best customer to other countries, and, if there be no interruption to our progress, shall soon be the largest seller to foreign nations on the face of the earth.

There is no doubt, also, that in general the condition of our workmen everywhere is on the whole better not only than that of other countries, but better, too, than our own at any previous period of our history.

So it is for the future more than for the present that the wisdom of our legislators is called upon to take thought. And, Mr. President, the condition of that country is unhappy whose legislator does not take thought for the future even more than for the present. Happy is the people whose statesmen foresee and prevent grievances, instead of waiting to experience them to cure

them. In dealing with this trust problem and the danger of vast accumulations of wealth in single private hands we are seeking to lay down beforehand the law of a healthy life and not to grope after a cure for a deadly sickness.

Yet I wish to submit to the judgment of the Senate that we are dealing with a real peril and not with a fancied or imaginary danger. Mr. Webster predicted in 1820 that the law in France that provided for the division of lands among all the children, instead of primogeniture, would overthrow the French monarchy. He lived to congratulate himself that he had seen the prediction fulfilled. Now, if the accumulation of large real estates in single hands under primogeniture were the fortress and bulwark of monarchy and aristocracy and the division of lands among all the children were sure to bring with it republican liberty, is it not equally true that the accumulation of vast fortunes in individual hands, that the holding of great landed estates, or the subjecting of great masses of wealth and great industries to individual control by means of corporate power will have a corresponding effect to destroy, or overthrow, or at least to limit and impair, republican liberty?

I have been told, I have no doubt truly, that there is one individual in this country whose private fortune amounted, some years ago, to a thousand million dollars. There are others who are said to reckon their fortunes by the hundred million. I do not wish to speak of individuals; but I will say that I have been told that these gentlemen, who are supposed to reckon their property by the hundred millions, are believed—I am sure truly—to be possessed of great private virtues. They are—nearly all of them—men of public spirit, of sagacity, of patriotism, and of large civic wisdom. Their neighbors and their countrymen respect them, and I believe they are worthy of that respect. I do not speak of them as public dangers in themselves; but I refer to them only as examples of what may be possible in the future.

Beside these vast accumulations, undoubtedly, each of these gentlemen controls a large aggregate of capital, with which he is connected, to an amount nearly or quite equal to, sometimes far exceeding, that which he possesses himself.

Now, Mr. President, suppose it be true that the fortunes to which I have referred have, as I believe, been accumulated almost wholly within a period of thirty years. Suppose they happen to pass to a single heir. Is there anything to render it unlikely that if one of these vast fortunes has grown from a hundred thousand to a hundred million or a thousand million in thirty years that if the country grow as we expect, still more, if it grow as we all think possible, that in the hands of the next possessor in another thirty or fifty years the hundred million may become a hundred thousand million, or the thousand million a thousand thousand million? Is there anything to stop the accumulation of these snowballs? Can not the same power and business ability that can control one or two branches of commerce or trade or manufacture, or one product of the earth, control others? Can not the capital that can control all the petroleum in the country by and by control all the coal? Can it not control the railroad and the ocean carrying trade? Can it not buy up and hold in one man's grasp the agricultural and grazing lands of new and great States, and the coal mines and silver mines and copper mines?

But, Mr. President, the natural man dies. He can not control his property, except for a life or lives in being and a little time thereafter. His estate is quickly scattered. It must be brought, commonly, into the light of day. It must be distributed by law, inventoried, and accounted for, and the public exact such a share of it by way of succession tax as may be thought reasonable. Once in twenty-five years the whole individual wealth of the country goes through the probate court.

There are few great estates that survive, where there is no primogeniture, for more than two or three generations.

But the corporation is an artificial being. A corporation that engages in commerce with foreign countries or among the several States is the creature of another power than that of Congress. The law of its being is given to it by another power than ours. It is regulated and controlled by another power than ours. It never dies. It is never wound up. It is not like a partnership, which must be settled when the individual dies, or grows old, or wants to go out of business. It never goes through the probate court. Its internal transactions are kept secret. It is not zealous for its own honor or reputation, except so far as its honor or reputation is essential to its getting money. It has no soul and no conscience. In general, the men who are most powerful in its management can, if they see fit, avoid responsibility to public opinion. They always expect to avoid personal liability for obligations.

Now, as I have said, these powers may be in good hands now, in general. But suppose they happen to be in bad hands? The military power of the United States in our times of trial, happily for us, was in the hands of Washington and Grant. But suppose some Napoleon had got control of it; suppose some Napoleon of

finance and business happen to get a thousand million dollars. Is not that possibility a real and terrible public danger? I shall be told that the American people will be left, and will be able to take care of themselves. That is true. I am talking to the American people about a way to take care of themselves. I think the best way to take care of ourselves is to prevent the danger, and not to encounter it in its full strength. I have no doubt the American people will be competent to overthrow any tyrant or despot that may get possession of the powers of our Government. But I think it a better way to arrange matters so that no tyrant or despot will ever get hold of them. Why, Mr. President, think of this money power which I have so imperfectly described. Is there another power likely to be so dangerous politically? You will not trust the best man in the United States to be President more than four years; or to be governor of a State more than one or two or three years without submitting himself to a reelection. You will not let a member of the House of Representatives keep his seat beyond two years, or a member of the Senate more than six years. An unwritten law has provided, and so far it has been executed, that no President of the United States, if he were another Washington or another Lincoln, shall hold office, even by reelection, more than twice. Yet this power that I have spoken of may last for a lifetime. If the genius and capacity continue in the same family, as the genius of politics has continued in some of our families in this country and in England, it may last, growing and enlarging and accumulating for generations, or even for centuries. Can not one of these colossal fortunes, as I said just now, buy up every railroad in the country? Can it not control every line of transportation by sea or lake? Can it not control the coal fields and the gold mines and the silver mines? Can it not get possession of the lands in the new States? Can it not buy up legislatures and nominating conventions and electorates? Can it not make great parties dependent on it for success in great elections?

Such a power as I have just described is greater than the power of many States. It is greater than the power of any nation, except ours, on this continent. It can make wars or it can prevent wars, as was said of the Rothschilds. It can threaten a community with a coal famine or a wheat famine and it can execute its threat. Thirty years ago, or more, when these things were in their infancy, an eloquent orator said—and it was hardly an exaggeration when he said it—that "Tom Scott traveled across the continent from San Francisco to New York, and with every sweep of his garment knocked down a legislature."

The chief evils of the trust are:

1. Destruction of competition;
2. The management of local industries by absentees in the interest of absentee capital;
3. Destruction of local public spirit;
4. Fraudulent capitalization;
5. Secrecy;
6. Management for the private benefit of the officials;
7. The power to corrupt elections, and in some cases to corrupt the courts;
8. The want of personal responsibility to public sentiment;
9. The absence of personal liability for contracts or wrongdoing;
10. The holding of vast properties in mortmain—in the "dead hand," if we may use the ancient phrase of the English law. But it has life enough for all purposes of power to serve the will that wields it. It is dead only to the influence of any nerve which comes from the brain or heart of the people.

Every Senator can find in his own experience plenty of illustration of what I am saying. I hope I have learned something from my own.

I chose for my abode in my youth a little city of less than 15,000 people. When I went there there were but two rich men in it, as we now count wealth. There was, I believe, but one man who kept a span of horses and a carriage for the service of his household. But it was a marvelous example of American genius, growing and expanding in the air of American liberty. It was the very center and home of invention. Within 12 miles of the spot where I live was born Eli Whitney, the inventor of the cotton gin, who doubled the value of every acre of land in this country on which cotton can grow. Six miles in another direction was born Erastus Bigelow, the inventor of the carpet machine. Six miles in another direction lived Blanchard, the inventor of the machine for turning irregular forms, perhaps the most important single mechanical invention that had been made in the country down to his time. Eight miles another way was born Whittemore, inventor of the card clothing machine, that marvelous mechanism which, when it makes a mistake, rings a bell and calls for help. Twelve miles another way was born and lived Elias Howe, the inventor of the sewing machine. When the war broke out Mr. Howe enlisted as a private. When in its embarrassment in the summer of 1861 the Government could not pay its soldiers, this private soldier drew his check for all the arrears due his regi-

ment of a thousand men for some months. In the town itself lived the inventor of the envelope machine, and the two men who, in the beginning rivals and competitors, brought the loom to its perfection. In that town also the modern plow was brought from a rude instrument, a mere knife to cut the soil, to its present condition of unrivaled excellence. There also the great wire industry, which, begun by pulling the heated iron through a hole in a bit of steel with a pair of pinchers by hand power, in a blacksmith's shop, has grown until one establishment employed 7,000 workmen, supporting 35,000 people, and was the largest and most profitable wire manufactory in the world.

All around me there are homesteads, some bordering my own, owned by inventors, foremen, and skilled workmen, who have acquired fortunes in this honorable service, so beneficent to mankind and so honorable to their country. There was no water power there, no fertile prairie, no seaport, no mine. They bring their material from across the continent to work it up into their products, and send it back again across the continent to be sold in the very market from which their material came. It was not water power or steam power or electricity; it was man power, it was brain power, that wrought this miracle.

Not only Americans of mechanical genius have gathered there, but men who seek honorable employment come from across the sea. The Irishman within little more than a generation has come there in large numbers to learn the lesson of American citizenship. He has sent home his wages to father and mother and brother and wife and child, affording an example of generosity and of rapid growth in the best elements of character unexampled, I venture to say, in human history.

The Scandinavian and the Norwegian have come there to contribute an element to our citizenship not surpassed in the sterling qualities of integrity, good sense, of industry, and of love for the Republic by any other class of men, native or adopted. The Frenchman also has brought his industry, his thrift, his charming nature to temper the general being with his delightful quality. The little town has grown to be a mighty city. It has grown to a city of 130,000 people. It is the very home and paradise of well-paid labor.

I have in mind one instance, a neighbor, a friend of mine, belonging to that Scandinavian race, of which my friend from Minnesota is so admirable a representative. He was one of the best workers of iron in his class in Norway. He used to get \$4 a week in his native land. When he got to Worcester he spent the first night in an empty freight car. He had no money to pay for his lodging. He could not speak a word of English. He went up street in the morning, and met a countryman who took him to the shop where he himself was employed. He was instantly hired at \$1.50 a day, which was more than twice as much as he got at home. In a few weeks his wages were raised. In a year or two he became foreman of a room where 40 or 50 men were employed. Before he died he was himself at the head of an establishment of his own. His name was known throughout the country, having, I believe, seven or eight hundred men in his employ.

Now, Mr. President, these men were interested in Worcester. They took a pride in her noble history. They saw her grow. They helped her grow. They were the leading men in the churches and the schools and the organizations of charity. Her houses and schools and colleges and shops were the pride of her people. They were as jealous of her honor as of their own. They were the managers and directors of every institution of education or charity. They subscribed to her libraries and her colleges and her polytechnic school. The wealth which had come down upon them like the dew or the rain of heaven they gave back to the city of their love in streams of charity large as seas. When the war came they gave their lives, or their sons gave their lives, to save the country. They knew the great American secret, the secret of local public spirit. They knew that the man who loves his city and his town best loves also his State and his country best.

Now, Mr. President, what is to happen to these American communities, of which the one to which I have alluded is but a single example among thousands? If the present tendency keeps on, the industries of Worcester and every like community are to be owned and controlled by absentee capital. Whether an enterprise shall be undertaken in Portland or Bridgeport or New Haven is to depend on the opinion, in the end, of somebody in New York or Chicago or St. Louis.

Not only local competition, but individual competition is gone. The skilled workman who is conscious that he can do his work better than anybody else can not offer himself to two or twenty or one hundred competitors, each seeking the advantage of his skill. There is one central power alone with which he must deal and one dominant will to which he must submit. There may be a little help for him by joining a labor union, where he gets the advantage of associated strength on his side, but the labor union knows no difference between excellence and the reverse. The

inefficient man and the lazy man and the dull man must stand on one dead level with the brightest and keenest and most ingenious of his comrades.

What would have become of all the inventors to whom I have alluded if they could have offered their inventions, to whatever branch of manufacture they related, to but one single customer and had been compelled to accept his terms?

What is to become of our local communities, of our local public spirit, of our local charities, of our local institutions of religion or education? Must we depend on a man in San Francisco or Albany, N. Y., or New York City if a church in Worcester be in need, or if a widow of an honored citizen come to poverty in her old age?

Mr. President, there are other evils in these great combinations of capital. Some of them will be more than counterbalanced by the corresponding advantage. I confess I like to see Pierpont Morgan buying up great lines of ocean steamships. I like to hear of foreign potentates and principalities and powers bowing down when he visits the Continent of Europe. I do not object if the knees of the Old Lady of Threadneedle street tremble and strike together when he visits London. We need great strength. We need great individual power if we are to rival foreign nations in the great matters which they also control by individual power. We must, if we can, look out in protecting ourselves not to destroy them or to cramp them. We can give them a law which will not impair their strength and not check their natural and rightful growth, and that, I hope, is all we mean to do. But it will be a bad bargain if we buy the dominion of the Continent or the empire of the sea at the cost of American local public spirit.

We are to have a close wrestle with the back hug with foreign countries for the commerce, the manufacture, and the carrying trade of the world. We mean to try to have the accounts of mankind some time settled in New York or Chicago, as they are settled now in London. We mean to get the superiority of the carrying trade by sea, which we had before 1860 in the day of the clipper ship and the packet. You, Mr. President [Mr. DEFEW in the chair], though a young man, can remember, I think, that in those days, when John Bull came in with a ship freighted with the crop of the season to a port in Asia or the Mediterranean, he found Uncle Sam on the wharf smoking his pipe, with his feet dangling over the water, with his cargo all sold, and the money in his pocket.

I like, as I just said, to see the great American financiers buying up foreign lines of steamships. I like to hear of American engineers building foreign railroads and of American architects putting American iron or steel girders into great buildings in foreign capitals. For this great capital and great combinations are essential. I do not grudge the men that do it either their wealth or their power.

It is said that the tariff fosters these trusts, and that one way to check them is to put every article manufactured by a trust upon the free list. That, I do not think, would help matters much. Certainly it would not reach carriers or dealers in the natural product of the country, like the Standard Oil Company, or the dealers in cotton or wheat, or the owners of mines. The railroad and the steamboat companies would thrive by bringing in the foreign products. Beside, as was well said the other day, I think by my colleague, if you put the product of the trust on the free list—unless the trust have an absolute monopoly of the article—you will kill out all of its weaker competitors and give it the whole domestic field; and you give an advantage to the foreign trust over the individual domestic manufacturer.

There may be some weight and value to the suggestion, and the remedy may be worth thinking of, if there be any case where any article is wholly controlled and monopolized by a trust. I can easily understand the impatience and indignation of the gentlemen who have made this proposition when they think of an artificial being, with an artificial capital and an artificial stock, crushing out all domestic competition by an adroit and illegal artifice and getting control of the home market. So I do not wonder that that remedy has occurred to some good men, but I do not believe it will bear examination. At any rate, I think I can find a better one and, as I believe, that will not destroy the policy by which this country has gained its present prosperity.

I spoke just now of these great corporate powers, whether exercised in combination or by single corporations, as compared with the frequent return to the people of all powers of government, State and national.

Mr. President, Mr. Calhoun, I think it was, said that when the patronage of this Government should have so increased that the party in power could appoint and control a hundred thousand officials it could never be dislodged. They would be, as he thought, too strong for the people. He overrated, undoubtedly, the strength of the officeholder. He underrated the strength of the men out of power who desire to become officeholders, and he underrated the wisdom and patriotism of the American people

and its capacity to take care of itself in time. We have protected ourselves against that danger in part by our civil-service laws, just as we will protect ourselves sooner or later against the danger from aggregate wealth without a revolution, and, I hope, without social disorder or the overthrow of our institutions or interfering with our form of government.

Just consider how comparatively trifling is the power of an Administration so far as it depends, or ever depended, upon its officeholders compared with that of a great aggregate of corporations or great accumulation of wealth such as I have described.

You will elect your governor only for one or two or three years, and your President for four, and your Senator for six, and your Representative for two. All your executive officers are removable, and most of the important officials, State and national, go out of power with the party with whom they came in. They have moderate salaries. The Senator gets less salary, and the Representative gets less salary, not only than the mayors of important cities, but less than fashionable tailors pay their cutters.

Now, these great corporations can appoint their agents for life, or as long as they do the bidding of the central will. In every town or village where there is a shop or an agency or a depot the corporation has one of the most skillful or influential men in the community for its life officer. It can bid successfully against the Government when it wants the great lawyer for judge of the Supreme Court of the United States or Attorney-General. It can pay for a single fee not only more than a public officer can save for his old age, but more than the aggregate compensation of his life. I had two friends and intimate companions in my youth at the law school. One of them died lately, in the great office of judge of the Supreme Court of the United States, known and honored as one of the great judges of the world, leaving behind him a simple and modest competence (I suppose he had gained that before he went upon the bench) after his nearly forty years of illustrious service. The other, also dead, is said by his biographer to have received one single fee of a million dollars.

Not only this, Mr. President, but these great powers can put their hand on a village or a town or a city and it will grow and flourish or it will dwindle and wither, according to the edict of an outside and irresistible will.

The great railroad or the great manufacturing establishment holds in its hands the fate of cities and of States. If Massachusetts undertake to curb or regulate a corporation at Lowell or Fall River, and the president in New York does not like it he can move it to Indianapolis or Chicago. The State undertakes to pass its laws regulating the hours of labor, or the sanitary conditions, or the employment of children in the factory in Massachusetts. What has happened? The trust moves its factory to Rhode Island—that is all.

Now, what is the consequence? The workmen must combine for self-defense. They also catch the spirit of monopoly and unlawful combination. The edict of their boss must be obeyed also. The workman who does not submit his individual will to the edict of the trade union can neither work himself nor teach his children to work. The whole manufacture of the country in any branch on one side and the whole labor of the country in that manufacture on the other are to be controlled by two great corporations, by which, as between the upper and the nether millstone, the liberty of the individual, which has made alike the glory and the strength of the Republic, is gone.

But the owner says, "Have I not a right to do what I will with mine own?" You have not the right to do what you will with your own when you get wealth in such masses that it becomes a menace to the State. You have not that right when you are a corporation deriving all your powers from the State or nation. While you are an artificial being, created by the State or nation, into whom the State or nation has put the breath of life and given the law to its being, you are absolutely subject to the State or nation. The State or nation has the right to impose a law upon your being which shall make you healthful and not hurtful to the community. The State created you. It gave you your immunity from personal responsibility for debts. It commits to you, if you are a railroad or if you are a manufacturing corporation using water power, its own great right of eminent domain. Congress has the right to say that no such artificial being shall engage in interstate commerce except on certain conditions. One of those conditions will be the personal liability of your individual members for contracts and for wrongs, unless you comply with its commands. You have got your power from the public. Your property would be valueless but for the agencies and powers which have been committed to you by the State. The State has delegated to you its power of eminent domain, the right to take private lands, and to cross highways and navigable waters, and to lay your track in some cases along the highways. The State has as much right to compel you so to use your powers that you shall not be an injury to the individual engaged in lawful commerce as it has to require

you so to manage your locomotive that you shall not be a danger to men lawfully traveling on the highway or to the passenger whom you carry.

Now, Mr. President, do not let me be misunderstood. I am sounding no note of despair. I am not even sounding a note of alarm. I am not afraid. The American people are not afraid. The spirit of American liberty, and the strength of American law, the power of the American Congress, the power of the American people in its legislatures, State and National, the firmness and justice and strength of the American courts, will be our safety against this danger, as they have been our safety against others. Nobody is afraid. We can capture this fortress easily enough. But the engineers must understand precisely its situation and its strength. The imperial power of the Republic which can call a halt to the whole world in arms, against whose impenetrable shield no knight, no king, no emperor is hardy enough to launch his spear, is not to be frightened from its propriety by a few manufacturing or railroad corporations, or a few men, however rich or however powerful. I am only pointing out what they can do if we do not stop them in time. There is not the least fear that we can not or that we shall not stop them in time.

Mr. President, let me not for a moment be understood as denouncing, or reproaching, or harshly judging men who hold the great fortunes in this country to-day. They have, with few exceptions, I believe, acquired these fortunes by lawful and by honest means. They have been men who have been, in general, examples of private virtue. They have owed their success to the great American qualities of enterprise, sagacity, and industry. They are, in general, men of a large public spirit and a lofty patriotism. One of them, perhaps the most famous of all, has declared that he holds it a disgrace to any man to die rich, and is distributing his vast wealth wisely and generously to the abundant blessing of the country he has adopted and of the noble country of his origin. Another, to whom I have already alluded, I am told, quietly and without ostentation, is also distributing his large benefactions for the advantage of his countrymen.

I can truly say more than that. In the acquiring of these great fortunes their owners have been large public benefactors. Large industries have been created which, but for them, would not have existed. The employment they have given to many workmen, skilled or unskilled, but for them never would have been given to anybody. To the great corporations they have created have been due the prosperity of great towns and cities and also the comfort and content of many an American home.

Still further, I believe of the men to whom I have alluded that many of them are now themselves busy with the great problem which we have to take up, of protecting the people from the danger of great corporate wealth. We are to owe, I think, to their farsighted humanity and patriotic feeling valuable help and counsel in this direction. I see already, within a few days, that the great American Steel Company is considering the question of taking its workmen into its partnership everywhere and making the thousands and hundreds of thousands of their workmen joint owners with them, thereby accomplishing what we all hope to accomplish—the longed-for marriage between labor and capital, so that there may no longer be enmity or rivalry between the two great wealth-producing elements of the State. There are men in the Senate to-day who themselves are reputed to have gained great fortunes in the development of great industries, to whom the American people look confidently for counsel, that we may deal wisely with this momentous question. That expectation, I think, is not to be disappointed. Indeed, it has, to some extent, been fulfilled already.

It will be found, I am sure, whatever individual examples there may be to the contrary—and such examples will be found under all forms of government—it will be found true that there is no class of men in the Republic to whom, as a class, the welfare of the Republic is not dearer than any personal or selfish desire. In settling future relations between labor and capital, or between capital and the State, or between labor and the State, the capitalist and the laborer are to be, I hope and believe, our best advisers and leaders.

I am opposed to the Government ownership of great labor-employing industries. I am opposed to the Government ownership of coal mines or of railroads. I do not see why, if the Government is to prevent a famine or scarcity of fuel by ownership, it should not own the sources of food supply, that it might prevent scarcity of food, or the woolen or cotton factories, that it might prevent a scarcity of clothing. If the Government is to be the great employer, the wages of labor must be fixed by law. Wages can not be fixed by law, except on a scale which shall apply equally to every workman. The energetic and the slothful and the intelligent and the dull; the man of enterprise and of inventive genius and the man whose fingers are all thumbs must stand on the same dead level. Besides, if wages are to be fixed by the lawmaking power, then the question of wages becomes a

question of politics. The two parties must compete with one another by outbidding each other for the votes, and paying for the votes in increased wages. No government but a despotism can control and supply the great necessities of life.

I am talking to-day of trusts, and of the abuse of corporate power, as it may be engaged in commerce with foreign nations or among the several States, and of vast and dangerous accumulations of wealth. You can not separate either of these things from the other. The trusts make use of corporate powers to accomplish their lawful purposes, or their unlawful purposes, so far as their purposes be unlawful. These purposes are accomplished in order that the men who manage the corporations and control the trusts may, if they be so minded, get for themselves these vast private accumulations. We are dealing with a trinity, and we can not reach one without the others.

When you try to deal with the evil which threatens us, you have to protect yourself not only against those combinations which are popularly called trusts, but against the abuse of power by large aggregations of capital wielded by single hands or single corporations. Your legislation must control both.

There has not been, so far as I know, any correct definition of the word "trust," which has of late come into a common although a new use. But we know very well in general what we mean by it. We mean, I suppose, a combination or aggregation of individual manufacturers, or of separate corporations, formed for the purpose of breaking down all competition by unlawful or improper means, and of monopolizing manufacture or other forms of production or trade in cases where competition is healthy and desirable for the public. When we speak of these things as unlawful, we do not necessarily mean that they are criminal or prohibited by express statute. There are many things held by the courts to be contrary to public policy, so that contracts to do them will not be enforced, and combinations to do them will be held to be punishable as conspiracies, where the act itself could not be reached by criminal process, and sometimes, perhaps, where it can not be reached by the civil remedy of injunction. These things may be done by a combination of corporations to do them. They may be done by a single corporation. So they may be done by a powerful individual. The bill I have prepared does not undertake to prohibit them when done by an individual. It may be well to do that separately. But the individual power is limited by the life or wealth of one man. It can only be exercised by such power as one man can wield. It is restrained by the personal liability, civil and criminal, to which one man must be subjected. So if we can strike down these evil practices so far as they are due to corporate strength and wealth, we have made a great advance toward curing the evil and protecting the people.

I have no sympathy with any attack on wealth honorably acquired and lawfully used. I have no dislike for great corporate powers. I think, in general, it is better that they be wielded by private and individual combination than by the Government. They are necessary to national greatness. We can not maintain our equality among the nations of the earth and we can not achieve the supremacy now easily within our grasp without them. We may as well be jealous of gunpowder, or dynamite, or of steam, or of electricity, or of the power of gravitation, or the current of Niagara. So long as these are our servants and we are their masters we are safe and healthy and great. But it is service and not mastery that Aladdin expects of the magician. Let the great railroad corporation span the continent and girdle the earth in the service of the American people. But it must never forget that it is the slave of the ring and that the American people is the Aladdin. Let the steel company, if it will, light up every valley and mountain side of the continent with the light of its furnace fires. Let the American Steamboat Company do the carrying for the world; but it must be content to be to the American people in the relation of slave of the lamp and not of master.

What is called socialism, Mr. President, will never cure or prevent the evil I have described. That, also, will be destructive of the great principle of emulation and individual excellence. It will be quite as bad, in my judgment, as the power of great corporations. The latter can be curbed, and it will in some way be broken when it becomes too dangerous. But a general reducing of mankind to a dead level, such as must happen when the State manages and owns the great industries and wages are fixed by vote at the elections, would, if it were possible to succeed, be destructive of everything which makes life worth living or manhood worth respecting. But there is no permanent danger, I think, from socialism. The Socialist, whether he be a dreamer in some college hall or some idle and restless agitator, fails to take into account one important and essential thing in making his calculation; that is, human nature. Socialism may do for China or for Turkey, but it will never be a Yankee remedy.

I do not think the remedy of the Socialist will help us. I have no belief in the Government ownership of lands, or of wheat

fields, or of railroads, or of factories, save as a last and desperate resort, to which I am sure the American people never need to come.

If the Government is to own the coal, it must by the same reasoning, when the times are hard, take possession of the manufacture of shoes, of woolen cloth, and of cotton; and on the same principle it must take possession of other manufacture and trade on which men are depending for any necessary of life. The men who ask for wages will have the same desire and the same right to an increase of their wages and to better their condition. But then the difficulty will be that in every election the question of wages and of hours and of convenient conditions will become political questions, and the men who aspire to political power will seek to win the support of the wage-earner on the issue of fixing their wages. Under Government control no distinction could be made between skill and enterprise and intelligence and sluggishness or slackness. Ambition and emulation, from which everything valuable in achievement comes, will be gone. The Socialist, when he proposes his social schemes, fails, as I just said, to take into account one essential consideration, that is human nature. The Socialist's remedy preserves the worst evil of the abuse of which we complain, and that is the destruction of individual ambition and emulation.

It is well known to students of history that the English people at a very early day were compelled to limit with great strictness the power of holding lands in mortmain and in trust or upon uses, or for the use of other than their legal owners.

One great evil, of course, was a monopoly of the lands of the realm in a few hands, a monopoly which primogeniture also tended largely to foster.

But the evil of holding lands in mortmain by incorporated persons was not merely the aggregation of great estates in single hands, but also that these estates were never, in the course of law, brought under public authority for settlement, as in the case of inheritance, or of the personal property of ordinary subjects. This latter evil and danger exists here to-day in the case of every powerful and wealthy corporation. The corporation does not die. Its business is not settled and wound up whenever one partner dies or goes out of business or is unwilling, except so far as the State may see fit, to regulate them; and there are many corporations too powerful to be regulated by the States that create them. Their transactions, although they control so largely the business of the country—even the necessities of life—are conducted in secrecy and without control by State or national authority. There is no power in this country strong enough to deal with them, save the national power alone. We have many such corporations more powerful than many single States, and more powerful than many countries now existing. Their powers are imperial within their own domain, and their domain is imperial also. We, and we alone, can subject them to imperial restraints.

So we must remember that we are dealing with the most important question that has come up for legislation for a long time, or is likely to come up for a long time to come. We are to deal not only with foreign commerce, but with that compared with which our foreign commerce and the foreign commerce of the world are but a drop in the bucket—the domestic commerce of the United States. No statistics can measure it. No imagination can grasp it. No human intelligence can comprehend it. I have no doubt it is greater than any other commerce on earth. I incline to believe that it is greater than that of all the domestic commerce of the world put together. That commerce is conducted largely by these artificial beings called corporations and joint stock companies. It can not be conducted with convenience or safety in any other way. It must necessarily be conducted as all great business is conducted, by large aggregations of capital. We can not help it if we would. We would not help it if we could. The public can not get along without them, unless we would turn the United States into another Siberia. I remember very well, Mr. President, when the railroad that extends from Albany to Buffalo was owned by seven different corporations, each having its own separate mechanism, and each having no connection with the others. If there came a great snow storm one road would clear its track in a day, but those on each side of it might take a week. The passenger got his ticket for each road, and the shipper dealt with seven separate, different carriers. Now the railroad is under one management and crosses the continent from one ocean to the other, and it will soon cross the continent under the same ownership. So we must, in devising our remedy, go cautiously and slowly. "We must calmly bear the ills we have rather than fly to those we know not of." Our engineering must be conducted like that wonder of the engineer's art which some of us remember to have witnessed when the foundation of the Washington Monument, originally designed to support a structure 80 or 100 feet high, was removed from under it by a great engineer, and another substituted to support the structure of 555 feet in height, and there was not a crack, or a leaning, or a sinking by a hair's

breadth in the whole operation. We can do the same thing in protecting our commerce and our country from the danger I have described if we will approach our task in the spirit of statesmanship, and not in the spirit of party, and will settle these questions with our judgment and brains, and not with our angers and prejudices.

We have taken already two steps wisely and carefully to protect the people against these great combinations of capital. One has been by the establishment of the Interstate Commerce Commission, conferring on it large, though limited, powers. That has been due largely to the sagacity of my honorable friend from Illinois, lately chairman of the Committee on Interstate Commerce. I understand that he thinks it desirable to clothe that Commission with further power, and especially to enable it to enforce its own decrees as far as, constitutionally, may be done without recourse to the courts. I hope the Senate will follow his lead in that matter.

The other step is one with which I had more to do personally. That was the statute of 1890, commonly called the Sherman anti-trust law. It was so called, I suppose, *lucus a non lucendo*, because Mr. Sherman had nothing to do with it whatever. It was the singular fortune of that eminent statesman that two important laws should be called by his name, the anti-trust law and the Sherman silver law, to one of which he certainly was very much opposed, and by the other we adopted a remedy for the existing evil totally different from that he had thought of or proposed.

The law of 1890 has accomplished more, I believe, than was expected of it when it was passed. We undertook by law to clothe the courts with the power and impose on them and the Department of Justice the duty of preventing all combinations in restraint of trade. It was believed that the phrase "in restraint of trade" had a technical and well-understood meaning in the law. It was not thought that it included every restraint of trade, whether healthy or injurious. It was not expected that two men could not go into partnership, each of whom should be restrained by contract from conducting the business in which the partnership was engaged on his private account or from conducting it in any manner contrary to the articles of partnership. It was not expected that two rival carriers could not agree not to do business in competition with each other or that a business man or corporation could not sell out his or its good will and agree not to carry on business in a particular locality.

It was not expected either that it would wholly or even largely remedy the existing evil, still less that it would be an absolute security against all threatened dangers. The Committee on the Judiciary of the Senate when they reported it, and the two Houses when they enacted it, were well aware of the gravity of the matter with which they were dealing, and that they should not do anything to cripple or break down the business of the country. They expected that there would grow up under it a body of decisions in which the court should expound it reasonably, and when these decisions were promulgated that other and additional remedies would be provided by law.

We were disappointed in one particular. The court by one majority, and against the very earnest and emphatic dissent of some of its great lawyers, declined to give a technical meaning to the phrase "in restraint of trade," and held in one important case that if trade were restrained by an agreement it was no matter whether it were injuriously restrained or no.

We did not put into our bill the words "unlawfully and improperly restrained," because we were afraid it would be objected that we were giving the court a legislative power to declare what was improper. We supposed the court would interpret the law, and that these things which had been by the established and recognized law held to be contrary to public policy, like oppressive agreements, agreements clearly wicked, though not prohibited by existing law, agreements which were to destroy the purposes for which the aggregate powers had been created, would be held to be within its prohibition. We supposed that that phrase would be construed by the court in a manner like that in which the analogous term "conspiracy" had been construed. A conspiracy is not held to be every agreement or combining together; but conspiracy is held to be the combining together of two or more persons to do an unlawful act by lawful means, or to do a lawful act by unlawful means. But the unlawful act and the unlawful means are everywhere held to include such acts and such means only as are contrary to settled public policy, whether prohibited by express law or no. So we supposed that a contract of partnership, though it restrained the persons from trade beyond the limits of a partnership, would be held perfectly lawful; and that in a contract where two corporations, who were both ruining themselves by undertaking to do business for too large a territory for their resources, agreed to divide the territory between them, the agreement would be held to be perfectly lawful; while a conspiracy to get a monopoly of the market by tricks or devices of subterfuge would be held unlawful.

This whole distinction and the whole doctrine on which the committee proceeded is simply and well summed up in Bouvier's Law Dictionary, certainly a high authority in all matters of local phraseology and definition.

RESTRAINT OF TRADE.—Contracts operating for the restraint of trade are presumptively illegal and void on the ground of the policy of the law favoring freedom of trade, but the presumption of illegality may be rebutted by the occasion and circumstances (2 Pars. Contr., 870. See 7 C. C. App., 15). Thus in agreements for the sale of the good will of a firm, or the formation or the dissolution of a partnership, provisions operating in restraint of trade are frequently inserted. Their validity depends upon whether the restraint is such only as to afford a fair protection to the interests of the party in whose favor it is imposed (Leake, Contr., 633; 49 N. J. Eq., 217). Whatever restraint is larger than is necessary for the protection of this party is void; therefore the restraint must be limited in regard to space (5 M. & W., 562; L. R. 15 Eq., 59). An agreement reasonable in regard to space may be unlimited in regard to the duration of time provided for, but where the question is as to whether the space is unlimited, the duration of the restraint in point of time may become an important matter (Leake, Contr., 634; 2 M. & G., 20). It has been said generally that where a covenant in restraint of trade is general—that is, without qualifications—it is bad, as being unreasonable and contrary to public policy. Where it is partial—that is, subject to some qualification either as to time or space—then the question is whether it is reasonable, and if reasonable it is good in law (1832, 3 Ch., 447).

There are cases where an unlimited restraint is justified; e. g., the sale of a secret process of manufacture of an article in general demand, which it is agreed shall be communicated for the exclusive benefit of the buyer. (See L. R., 9 Eq., 45; 131 U. S., 88.) So of the sale of a patent right, the restraint may be unlimited while the patent continues (1 H. and N., 189).

But, Mr. President, in spite of that disappointment, the measure has, in my opinion, accomplished all, and more, than its friends expected. The Attorney-General's speech at Pittsburgh, with which all Senators are familiar, and to which I have already referred, shows a part only of what has been achieved.

Attorney-General Knox well says in his late speech at Pittsburgh:

If Congress under its power to regulate interstate commerce may utterly destroy a combination and forfeit its property in interstate transit, as the Sherman Act provides, it seems reasonable to say that it can in the exercise of the same power deny to a combination whose life it can not reach the privilege of engaging in interstate commerce except upon such terms as Congress may prescribe to protect that commerce from restraint. Such a regulation would operate directly upon commerce and only indirectly upon the instrumentalities and operations of production.

I am glad that the opinion I have long entertained, as to the way to reach this evil, seems to be fortified by so high an authority.

I desire to say in this connection that the Attorney-General, while he states so clearly and correctly the limitations and defects of the existing law, has already been able to accomplish more, I think, than its framers expected with the limited and imperfect means at his command.

He tells us what the Government has already accomplished:

It has destroyed the combination known as the Addystone Pipe Combination, upon the ground that it was a conspiracy among independent producers of pipe to restrain its sale and distribution among the States. He has also broken up a combination of the six largest meat-packing concerns in this country, known as the Beef Trust, who were in combination with each other and with many great railway lines, whereby they secured large secret concessions in rates for the transportation of their products, which enabled them practically to monopolize the fresh and cured meat industry of the United States. He has brought 14 suits in equity against a combination of railroads, and got injunctions which are still in force, restraining them from making any rebate or granting any preference whatever to any shipper. He has also broken up a pooling arrangement between the Southern railroads which denied the right of the persons interested in the cotton product of the South—the shippers—to prescribe the route over which their goods should pass, and put an end to that illegal proceeding. He also brought a suit in equity for preventing the operation of a proposed merger of sundry transcontinental railroads as competing lines, which had been effected by a combination and accompanied by a large inflation of the stock.

So he has gone far already under the existing law to break up a monopoly which affected the whole freight and passenger traffic of the Northwest, another affecting the cotton traffic of the South, and another the price of beef, a prime article of food.

In the course of this litigation already important decisions have been made by the courts, which throw very much light upon the whole subject, and are important guides, as well for future legislation as for future Executive action.

The power of Congress to pass the present bill depends upon the principle I have just stated in the language I have just quoted from the Attorney-General's speech. I laid down the same proposition as well as I could in a speech made in Boston early in the late campaign.

The bill I have drawn is an exceedingly imperfect one. It is but one step further. I adhere to the opinion I entertained when the present law was drawn—that we should go very slowly and carefully, taking one step in legislation at a time; and then waiting for the exposition of the courts, and until some practical trial has taught the law officers of the Government what is practicable and what is needful. It was with that expectation that the law, commonly called the Sherman antitrust law, was fashioned.

Our late friend and colleague, Mr. Sherman, had the singular good fortune of having named for him two measures, with neither of which, as they took their final shape, he had anything to do, and to both of which he was exceedingly averse. These measures are what were known as the Sherman silver law and the Sherman antitrust law.

The present bill, as I have said, goes but a little way. It is tentative and experimental. I think it is entirely safe. Of course new views on some of its provisions, or all of them, may present themselves. It will undoubtedly require modification and improvement. But it is all I have to offer to-day.

It depends for its constitutionality and its accomplishment upon one simple consideration, which I think enables it to steer clear of the constitutional difficulties and perplexities which have surrounded other attempts to deal with this subject.

Natural persons have their constitutional rights, with which we can not interfere, if we would. There is a boundary for commerce, although not always capable of the most exact definition, between the jurisdiction of the State and that of the nation. The courts have held that the fact that an article is manufactured with the expectation that it will be sold from one State to another, or be transported from one State to another, or that it is sold in a State to be sold again from one State to another does not make the manufacture or the sale a part of interstate commerce and so subject it to the jurisdiction of Congress. But I suppose it is well settled that every State or country may prescribe the conditions on which the artificial beings called corporations or joint stock companies, who ordinarily carry on business without personal liability of their stockholders for their debts, may engage in business within their jurisdiction. The corporation created by one State holds property or carries on commerce in another State merely by comity. No State in general can prescribe conditions on a citizen of another State which it does not impose on its own. But it may require of that foreign corporation any reasonable condition that it may think fit. It may require it to have an agency which shall accept service in the State courts, to make returns to the State treasurer, and to deposit attachable property where it can be reached by State process, for security. I suppose there can be no reasonable doubt that Congress can impose upon a corporation created by any State such obligations as it shall think fit and reasonable as a condition for its being permitted to engage in commerce with foreign nations and among the several States at all. That is the theory upon which this proposed legislation is based.

Congress can refuse to permit any corporation whatever to engage in interstate or international commerce. It may reserve the power to create such corporations to itself exclusively. It can not regulate commerce unless it can regulate and control the instrumentalities of commerce. This bill, I believe, only exercises powers for such regulation as are familiar in the legislation of all well-ordered States—requiring proper returns; showing the strength and condition of the corporation; requiring the prohibition of watered stock; requiring that the stock shall be paid in in full in cash; the prohibition of oppression of citizenship or rivals; the subjection of officers and of members to personal liability absolutely, or on prescribed conditions, are familiar examples of legislative action. No man can charge this proposed legislation with being oppressive or unreasonable, as I conceive, without setting himself against the legislative precedents in every State in the American Union.

If this bill shall become a law and prove effective, no corporation engaging in the commerce which is within the jurisdiction of Congress can keep its condition a secret. No such corporation can do business on fictitious capital or watered stock. No corporation can oppress any rival, whether corporate or individual, by any unlawful practices. If it do, it will be on the condition that every one of its managers become personally liable for its debts, and its torts, and will be liable also to heavy criminal liability. This bill depends for its validity on the constitutional power of Congress to regulate international and interstate commerce.

It exercises that power by prohibiting artificial beings, created by a power other than its own, from engaging or continuing in such commerce except on certain strict conditions.

These conditions are: First, publicity in the conduct of their business and the constitution of their organization; second, the power to stop their business altogether if they violate the laws enacted by Congress; third, strict penalties on them and their officers for such violations; fourth, personal liability for all debts, obligations, and wrongdoings of the directors, officers, and agents unless the laws be fully complied with. This liability is secured by requiring the personal consent to the provisions of this bill and acceptance of all its obligations by such officers, directors, and agents before they enter upon office.

If this bill shall not prove effectual, it will be easy to extend its operation by imposing a like personal liability on every stockholder. That will destroy the power of selling such stocks in the market, and will deter every owner of capital from embarking

his property in such undertaking. It is quite likely that this bill may be improved in its passage through Congress. It is quite likely that it will be found defective. A trial in court, conducted by such counsel as represent the Government and as are likely to represent great corporations in danger of punishment for great offenses, is a great sharpener of the wits. The people will get an education within the next few years, in the benefit of which we and our successors will have a large share. It is better, I think, to go carefully, one step at a time; to repair and strengthen our edifice rather than to undertake any rash measure which might bring the whole temple down upon our heads.

During the delivery of Mr. HOAR's speech,

The PRESIDENT pro tempore. Will the Senator from Massachusetts please suspend for one moment? The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. LODGE. I ask that the unfinished business be laid aside temporarily until my colleague has concluded his speech.

The PRESIDENT pro tempore. The junior Senator from Massachusetts asks that the unfinished business be temporarily laid aside until the senior Senator from Massachusetts shall have concluded his speech. Is there objection?

Mr. FORAKER. That is to be done with the understanding that we shall take up the unfinished business after the conclusion of the Senator's speech?

The PRESIDENT pro tempore. It will be the unfinished business then. The Chair hears no objection.

After the conclusion of Mr. HOAR's speech,

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 3708) granting an increase of pension to Nannie M. Kimberly.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore.

A bill (S. 257) to establish a light-house and fog-signal station at Mukilteo Point, near the city of Everett, State of Washington;

A bill (S. 959) granting an increase of pension to William H. Green;

A bill (S. 1193) granting an increase of pension to Jane M. Myer;

A bill (S. 1634) granting an increase of pension to Thomas Cordingly;

A bill (S. 1666) granting an increase of pension to Rufus V. Lee;

A bill (S. 1743) granting an increase of pension to Cornelia F. Whitney;

A bill (S. 1801) granting an increase of pension to James K. Van Matre;

A bill (S. 1833) providing for the transfer of the census records and volumes to the Census Office, and for other purposes;

A bill (S. 1944) granting an increase of pension to Ann E. Tillson;

A bill (S. 2056) granting an increase of pension to David J. Newman;

A bill (S. 2109) granting an increase of pension to Charles C. Davis;

A bill (S. 2283) granting an increase of pension to William F. Angevine;

A bill (S. 2306) granting an increase of pension to William H. Lessing;

A bill (S. 2409) granting an increase of pension to John A. Rotan;

A bill (S. 2638) granting an increase of pension to David O. Carpenter;

A bill (S. 2935) granting a pension to Joanna Rommel;

A bill (S. 3180) granting a pension to Emma L. Ferrier;

A bill (S. 3212) granting a pension to Ellen A. Sagar;

A bill (S. 3315) granting an increase of pension to George W. Bradshaw;

A bill (S. 3341) granting an increase of pension to Robert H. Busteed;

A bill (S. 3371) to remove the charge of desertion from the name of Jacob Bowman;

A bill (S. 3423) granting an increase of pension to Maria V. Stadtmuller;

A bill (S. 3493) granting an increase of pension to Charles W. Rose;

A bill (S. 3505) granting an increase of pension to Matthew B. Noel;

A bill (S. 3506) granting an increase of pension to Stanley M. Gasper;

A bill (S. 3668) granting a pension to Hulda Milligan;

A bill (S. 3715) granting an increase of pension Henry Weaver;

A bill (S. 3781) granting an increase of pension to George A. Mercer;

A bill (S. 3819) granting an increase of pension to William A. P. Fellows;

A bill (S. 4088) granting an increase of pension to Henry Jennings;

A bill (S. 4141) granting an increase of pension to John Cook;

A bill (S. 4211) granting an increase of pension to Asa Worden;

A bill (S. 4348) granting an increase of pension to James Thompson;

A bill (S. 4355) authorizing the issuance of a patent to the county of Clallam, State of Washington;

A bill (S. 4393) granting an increase of pension to William M. Hodge;

A bill (S. 4454) granting an increase of pension to John D. Sullivan;

A bill (S. 4494) granting an increase of pension to Oscar Van Tassel;

A bill (S. 4617) to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes;

A bill (S. 4623) granting an increase of pension to Lewis F. Ross;

A bill (S. 4727) granting an increase of pension to Isaac Rhodes;

A bill (S. 4957) granting an increase of pension to Stiles L. Acee;

A bill (S. 4982) granting an increase of pension to John Fler;

A bill (S. 5045) granting an increase of pension to Mary A. Moore;

A bill (S. 5052) granting an increase of pension to Gilbert Barkalow;

A bill (S. 5076) granting an increase of pension to Katharine W. Clark;

A bill (S. 5119) granting an increase of pension to Samuel S. Walch;

A bill (S. 5133) granting an increase of pension to Augusta Neville Leary;

A bill (S. 5239) granting an increase of pension to Joseph A. Kerbey;

A bill (S. 5321) granting a pension to Rebecca H. Geyer;

A bill (S. 5361) granting an increase of pension to Martha J. Johnston;

A bill (S. 5491) granting an increase of pension to John R. Sandsbury;

A bill (S. 5500) granting an increase of pension to Angus Cameron;

A bill (S. 5534) granting an increase of pension to Abbie C. Bremner;

A bill (S. 5648) granting an increase of pension to Frederick Bulkley;

A bill (S. 5659) granting an increase of pension to Melinda Heard;

A bill (S. 5719) granting an increase of pension to Sidney N. Lund;

A bill (S. 5747) granting an increase of pension to James E. Bader;

A bill (S. 5758) granting an increase of pension to David Ham;

A bill (S. 5782) granting an increase of pension to Lucy A. Turner;

A bill (S. 5882) granting an increase of pension to Mergellah Merrill;

A bill (S. 5893) granting an increase of pension to Willie Thomas;

A bill (S. 5913) granting a pension to Cherstin Mattson;

A bill (S. 6008) granting an increase of pension to David Vickers;

A bill (S. 6045) granting an increase of pension to Charles Sprague;

A bill (S. 6110) granting an increase of pension to Charles A. Cooke;

A bill (S. 6399) to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902;

A bill (H. R. 1347) granting an increase of pension to Charles H. Webb;

A bill (H. R. 2440) granting an increase of pension to William D. Smith;

A bill (H. R. 2598) granting an increase of pension to Adrian M. Snyder;

A bill (H. R. 3513) granting an increase of pension to James W. Young;

A bill (H. R. 3745) granting an increase of pension to George Kerr;

A bill (H. R. 3825) granting an increase of pension to Lizzie I. Rich;

A bill (H. R. 4262) granting an increase of pension to Thomas P. May;
 A bill (H. R. 5038) granting an increase of pension to William H. Hudson;
 A bill (H. R. 5480) granting an increase of pension to John C. Nelson;
 A bill (H. R. 5758) granting an increase of pension to Newton W. Elmendorf;
 A bill (H. R. 5883) granting an increase of pension to Martha A. Hollingsead;
 A bill (H. R. 5888) granting an increase of pension to Peter Poutney;
 A bill (H. R. 5951) granting an increase of pension to Ole Thompson;
 A bill (H. R. 6970) granting an increase of pension to Monora Stimson;
 A bill (H. R. 7109) granting an increase of pension to Stanton L. Brabham;
 A bill (H. R. 7618) granting an increase of pension to Thomas Sheridan;
 A bill (H. R. 7878) granting an increase of pension to William J. Remington;
 A bill (H. R. 8145) granting an increase of pension to Harvey B. Linton;
 A bill (H. R. 8146) granting an increase of pension to Thomas M. Owens;
 A bill (H. R. 8414) granting an increase of pension to George Atkinson;
 A bill (H. R. 9219) granting an increase of pension to Colmore L. Newman;
 A bill (H. R. 9691) granting an increase of pension to James H. Joseph;
 A bill (H. R. 9807) granting an increase of pension to Hiram James;
 A bill (H. R. 9883) granting an increase of pension to William Kelley;
 A bill (H. R. 10005) granting an increase of pension to William A. Henderson;
 A bill (H. R. 10263) granting an increase of pension to Daniel J. Byrnes;
 A bill (H. R. 10325) granting an increase of pension to Joseph Stonesifer;
 A bill (H. R. 10462) granting an increase of pension to Mary A. Munson;
 A bill (H. R. 10679) granting an increase of pension to Charlotte E. Baird;
 A bill (H. R. 11436) granting an increase of pension to James H. McKnight;
 A bill (H. R. 11579) granting an increase of pension to John A. Wright;
 A bill (H. R. 11890) granting an increase of pension to James Brown;
 A bill (H. R. 12009) granting an increase of pension to George Baker;
 A bill (H. R. 12165) granting an increase of pension to Caroline M. Stone;
 A bill (H. R. 12632) granting an increase of pension to Bailey O. Bowden;
 A bill (H. R. 12777) granting an increase of pension to George H. Young;
 A bill (H. R. 13052) granting an increase of pension to Charles K. Batey;
 A bill (H. R. 13352) granting an increase of pension to Charles E. Brown;
 A bill (H. R. 13457) granting an increase of pension to John S. Crosser;
 A bill (H. R. 13467) granting an increase of pension to Joseph H. Woodruff;
 A bill (H. R. 13646) granting an increase of pension to John G. Heiser;
 A bill (H. R. 13690) granting an increase of pension to Freeman R. Gove;
 A bill (H. R. 13848) granting an increase of pension to James H. Chedester;
 A bill (H. R. 13943) granting an increase of pension to Charles M. Grainger;
 A bill (H. R. 14055) granting an increase of pension to Samuel Brown;
 A bill (H. R. 14098) granting an increase of pension to Albert M. Scott;
 A bill (H. R. 14144) granting an increase of pension to Fannie S. Cross;
 A bill (H. R. 14355) granting an increase of pension to Timothy Donohue;
 A bill (H. R. 14377) granting an increase of pension to Jennett Stewart;

A bill (H. R. 14421) granting an increase of pension to John Q. A. Rider;
 A bill (H. R. 14732) granting an increase of pension to Grace M. Reed; and
 A joint resolution (S. R. 57) relating to military badges.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. NELSON. Mr. President, in my remarks yesterday I laid down in a plain, unvarnished, and simple manner some of the general rules and principles that ought to govern us in the matter of the admission of Territories into the Union. Among other things I showed was the great advantage to the several Territories, while they are in a formative state, to remain in that condition for the protection of their own people against the exploitation of politicians, promoters, and stock jobbers. I showed how, in spite of an act of Congress upon our statute book forbidding them incurring debts for certain purposes and beyond certain limits, that they still had in many instances exceeded those limits, and exceeded the conditions of the act known as the Harrison Act; how they had come to Congress to legalize such illegally acquired indebtedness; how they had attempted in a most unusual manner to make the debts of townships, of cities, of counties, and of school districts—mere local debts—the debt of the Territory, and in the case of Arizona had succeeded in saddling such debt on the Territory, and how, in the case of New Mexico, they had attempted to do the same thing, and had actually secured the passage of a bill for that purpose through the House of Representatives, which was afterwards defeated in this body.

Yesterday I took up the case of Arizona and explained the conditions in that Territory. To-day I propose to discuss, in a plain and dispassionate manner, the conditions prevailing in the Territory of New Mexico. I hope to show by the facts that I shall present to the Senate that that Territory to-day is far from being fit to become a member of the American Union. I shall show that some of the conditions which existed there years ago still exist to-day and that in all that pertains to good government, in all that pertains to American institutions, New Mexico is still in a more backward state than any of our Territorial possessions between the two great oceans.

As we approach the consideration of New Mexico, we can not help noticing, in the first instance, as we look into the history of that country and examine the testimony taken by the subcommittee who visited that country, that there is still a Spanish aroma about that Territory and its population which distinguishes it from all our other Territories except some of our recently acquired territorial possessions.

That Territory is really a part of old Mexico injected into the United States. It still possesses many of the peculiar Spanish-Mexican qualities that it had when it first came into our keeping. Where the giant Mississippi enters the Gulf of Mexico, for miles into the sea the muddy and yellow water of the river is clearly distinguishable from the waters of the ocean; and so this stream of old Mexico injected into New Mexico is still clearly distinguishable from all its surroundings and in a great measure still retains its original texture and quality.

Before the advent of the Spaniards it was and for many years had been the home of the Pueblo Indians—a peaceful, quiet, industrious, and partially civilized people, entirely different from the other native races of our country. These people lived in little villages or towns and were cultivating to a limited extent some of the lands adjoining their pueblos. The early explorers found them practically occupying the same region and the same towns that to-day constitute the settled and developed portions of New Mexico.

In Bancroft's History of New Mexico are two maps, one showing the settlements in the country when Coronado first explored it and the other showing the Pueblo settlements at the close of the sixteenth century. If we compare those maps of the Pueblo settlements with the modern maps of New Mexico showing the settlements to-day, we find that there has not been much growth, expansion, or progress; that the settlements to-day are largely confined to the same area, the same territory, the same valleys, and along the same streams as they were in those early days, and many of the most prosperous towns there to-day are located upon the ancient Pueblo sites that were there when the Spanish invaded the country.

Among the earliest settlements made by Europeans in this country were those of the Spaniards in New Mexico. It is curious and interesting—and I ask pardon of the Senate for going into it—to read a brief summary and history of these early explorations. Among the earliest explorers from whom we obtain any

authentic information—there were a few preceding, but nothing definite is known of their history—was Coronado, who discovered and occupied the Territory in 1540. He found at that time the Pueblo Indians located principally in the valley of the Rio Grande and the valley of the Pecos and on some of the upper tributaries of the Gila River.

The Spaniards were tempted to explore the country by reports of its fabulous wealth, of the great amount of gold and silver that was supposed to be in the country, but when they got there they found nothing but small, peaceable settlements of these Pueblo Indians who were carrying on agriculture and stock raising in a small and feeble way.

The first permanent settlement that was made in New Mexico was made in 1598, three hundred and four years ago. That settlement was made by Juan Onate. He started with a large expedition, composed of 400 men, 83 wagons, and 7,000 head of cattle. It is a remarkable fact, we discover as we inquire into the history of that ancient country, that the best account of that expedition and its results is to be found in a Spanish poem by Captain Villagra, of the Army. It was one of the earliest settlements within the limits of the United States, earlier in fact than that of Massachusetts, earlier than that of Virginia, and, indeed, as early as that of Florida.

While that country was settled at as early a day as the earliest settled portions of our country in the East or Southeast, yet it is curious to compare the progress of the different localities. Massachusetts was first colonized in 1620. It has an area of 8,315 square miles, and, according to the census of 1900, it had a population of 2,805,346. Virginia was first settled in 1607. It has an area of 42,450 square miles and it had a population in 1900 of 1,854,184, while New Mexico, which was settled in 1598 and has an area of 122,580 square miles, in 1900 only had a population of 195,310, and quite a number of that population was composed of Indians, as I shall subsequently show.

If we compare the age of the towns that were first settled in this country, we find that St. Augustine was settled in 1565, Jamestown in 1607, Santa Fe in 1615, and Plymouth about 1620.

By 1680—almost a hundred years after the first settlement by Juan Onate—there was in New Mexico a resident Spanish population of only 2,400. In that year a great insurrection broke out on the part of the Indians under the leadership of Pope, a San Juan Indian, when 450 Spaniards, including 73 soldiers and 21 missionaries, were massacred, and 1,950, including 155 soldiers and 11 missionaries, escaped. Subsequently 3,000 Indians laid siege to Santa Fe. They destroyed and burned all of the town except the plaza, church, and convent, and finally cut off the water supply, forcing the Spaniards to retreat. They continued their retreat until they reached El Paso, on the Rio Grande, a town that was founded in consequence of that retreat in 1681.

In the fall of 1691 Governor Oterim, of New Mexico, attempted a reconquest of the country, but he utterly failed in the effort. In 1692 De Vargas, another Spanish governor, opened a campaign for the reconquest of the country, and finally, by 1695, succeeded in entirely quelling the insurrection and restoring law and order. At that time, or about two years subsequently, there were said to be 1,500 Spaniards in New Mexico. Albuquerque, one of the old towns, was founded in 1706. In 1742 the Spanish population, exclusive of soldiers and their families, was estimated at 9,747. Slight progress was made in agriculture and stock raising under Spanish and Mexican rule, and mining, notwithstanding all that has been reported to the contrary, was wholly in an experimental and exploring state. The Spanish population in 1760 was estimated according to Spanish records at 7,666; in 1793, at 16,156, and in 1798, at 16,065.

In 1799 the Spanish population had grown to 18,826. After the period of two hundred years from the time Juan Onate first settled the country with his expedition, New Mexico had a Spanish population of only 18,826.

Lieutenant Pike was one of the first Americans who entered New Mexico on his return from the exploration of Colorado. He entered that country and was made a prisoner, and finally was sent back within the American lines in 1807. In 1821–22 the famous overland Santa Fe route was established, and for many years there was a great trade carried on by that route, first by means of pack animals, afterwards by means of wagons, mules, horses, and oxen. An immense trade grew up in that country with the people of it, and yet in spite of that immense trade the growth of the country was very slight.

At this time, when the Santa Fe route was opened, there was estimated to be a population of something like 20,000 Spaniards. There were at that time no public schools, no places outside of church schools, conducted by the friars, where the people of the Territory could procure an education.

In 1841 history relates that the Texans, under command of Lieutenant-Colonel McLeod, made an invasion and an attempt to capture the country, but the expedition proved an entire failure, and they were driven back. The Spanish population of New

Mexico at the time of the Texas raid was estimated at about 60,000. In 1846 the American Army, under Kearny and Doniphan, for the first time entered New Mexico, and the country remained under military rule until 1850 or 1851, when it was first created into a Territory, together with what is now the Territory of Arizona, substantially. There have been some changes in the boundary, but they are not material for the purpose of this discussion.

In 1847 there was an insurrection started among the Indians, led by the Spanish-Mexicans, Ortiz and Archuleta, but the insurrection was of a limited character and was soon suppressed.

In the fall of 1848 a convention was held which petitioned or memorialized Congress for a Territorial government. In September, 1849, another convention, of delegates, was held, which elected a Delegate to Congress and adopted a plan for a Territorial government. In 1850 another convention was held, which formed a constitution for the "State of New Mexico." The constitution was submitted to a vote of the people and ratified by a large vote, and State officers were provisionally elected; also a legislature and a delegate to Congress. This legislature thus elected under that constitution met, and they elected two United States Senators, but the military governor declared the whole proceedings null and void and refused to recognize any of the officers, and the government thus established perished from its own weight and disappeared. In 1850 Congress by an act passed that year first created it a Territory, and in 1851 it was duly organized into a Territorial government.

It is a curious part of the history of that country that in 1861 the Confederates invaded the Territory, but by the end of 1862 were expelled entirely from the Territory and never came there again. It is to the credit of the Mexicans that during the time of the Confederate invasion and during the great civil war most of them were either loyal or passive. Very few of the Mexicans, except a few of the leading families, were disloyal to the Government of the United States.

Now, while negro slavery never existed in New Mexico, they had two other systems of slavery in that Territory, that existed in that country from the time of the settlement of the country down to 1865. They had one form of slavery known as peonage, where they held men for debt. Then they had another system of slavery which consisted in the enslavement of Indian captives. Both systems were very deplorable, especially in the matter of peonage. While it was not a slavery akin to the slavery in the Southern States, yet it was a slavery where they practically held the people for life, and also held their posterity. These two systems of slavery to which I have called the attention of the Senate were not abolished until 1865 by the proclamation of the President, afterwards supplemented by an act of Congress in 1867.

From the first legislative assembly in 1851 down to the twenty-seventh legislative assembly—that is, from 1851 to 1886—nearly all the members were Mexicans with Spanish names, all the proceedings and all the business was conducted in the Spanish language. I read in this connection from the historian Bancroft, from page 634, on this subject. At the suggestion of the Senator from Massachusetts [Mr. HOAR], I will state what Bancroft—it is Hubert Howe Bancroft. He states:

The first legislative assembly convened at Santa Fe on June 2, 1851. A large majority of the members of council and house were naturally native New Mexicans. I append a list of members of this and the later assemblies down to 1863.

In another place he appends another list of members down to and including the 22d general assembly. He continues:

About twenty family names include a very large majority of the membership of the whole period; and, indeed, a few wealthy and influential families in each county, in connection with the few American residents, natural-born politicians, controlled the election of representatives and all other matters of Territorial government, with only the slightest interest or action on the part of the masses.

Mr. FAIRBANKS. What is the Senator reading from?

Mr. NELSON. From Bancroft.

I again read from the same historian on the same subject. He says on page 706:

Next is appended a full list of the members of the legislative assemblies from the thirteenth to the twenty-sixth session. It will be noted that the preponderance of Spanish names is even more marked than in the assemblies of earlier years. Indeed, until the last sessions, almost the whole membership was made up of native New Mexicans, all business being transacted in the Spanish language, so that the journals and laws had to be translated into English for publication.

Mr. FORAKER. Will the Senator please state what he is reading from?

Mr. NELSON. Bancroft's History of Arizona and New Mexico—1530–1888.

Mr. FORAKER. What page?

Mr. NELSON. From page 706 to 709, inclusive.

Mr. FORAKER. And as to what period is that?

Mr. NELSON. That covers practically the time from the date

when New Mexico was organized as a Territory down to 1885 or 1886.

A few prominent families in each county still controlled the elections, though perhaps in somewhat less degree than formerly.

This shows, and I call attention to the fact, that in all that period from 1851, when the Territorial government was first organized, down to 1885 or 1886 nearly all the members of the legislative assembly had Mexican and Spanish names. That in itself was not anything to their discredit, but all the proceedings of the legislature, the journals, and everything else were in the Spanish language, and a few leading families controlled the elections in the different counties.

I have called attention to this fact because the same conditions now exist. An examination of the testimony taken before the committee will show that to a large extent the elections to-day are controlled by a few leading families, and that the masses of the people take little interest in them and are guided and controlled by a few prominent families or a few prominent leaders.

In 1850—and I want to trace the growth of the Territory to show how it has progressed in the matter of population and also in the matter of education—New Mexico had a population, exclusive of Indians, of 61,547; of these over 50,000 were Spanish Mexicans. In 1860 the population, exclusive of Indians, was 80,000, and of these more than 60,000 were Spanish Mexicans.

Of the population in 1850—and this illustrates the low standard of education—there were 25,085 adults who could neither read nor write. Of the population in 1860, ten years subsequent, there were 32,785 adults who were in the same condition and could neither read nor write. There were practically no public schools in the Territory at that time.

In 1870 New Mexico had a population, exclusive of Indians, of 90,573 and in 1880 of 109,793. Education at the time of the census of 1880 was at a very low ebb. Let me give an illustration. In 1880 there were in the Territory only 163 schools, with an attendance of 3,150 pupils. The historian, Bancroft, from whom I have already quoted, says:

The mixture of language and religion, with a great preponderance of Spanish and the Catholic faith, have been the great obstacles.

Referring to education in that Territory, while there was some legislation during that period looking to the establishment of public schools, no material results were reached prior to 1888. It was not until that year that a Territorial act establishing a public system of education was first passed. In this connection I beg leave to quote from the testimony on this subject. It is the testimony of Governor Thomas Hughes.

Mr. FAIRBANKS. From what page of the testimony is the Senator going to read?

Mr. NELSON. I read from page 64 of the testimony. Governor Hughes says:

In 1887 I had the honor of introducing into the legislature the first public-school bill. It was beaten, but the next session it was passed.

According to the last census there were 599 schools in the Territory, with a school population of 69,710—that is, of persons within school age—and the attendance was only 28,672.

In 1891, according to the report of the Commissioner of Education to the Secretary of the Interior, based on Governor Otero's report, the number of schools was 726, the school population was 62,864, and the attendance only 29,821.

In 1900 the average percentage of attendance for the entire country, exclusive of our outside possessions, was 51.2 per cent of the school population, while for New Mexico at the same period it was only 41.1, a difference of more than 10 per cent less in New Mexico than the average of the country.

The census report shows the rate of illiteracy to be very high—28.3 per cent, higher than that of Arizona, and on a par with that of Alaska; it is only exceeded by that of a few of the old slave States; and if the illiteracy was measured by a knowledge of the English language, over 50 per cent would be classed as illiterates.

As to the population of New Mexico, it is claimed that lately it has grown very much. The total population in 1900 was 195,310. Of that which the census reported there were 2,937 Indians not taxed. So the total population entitled to representation was at that time 192,373—a little less than the ratio necessary for a Representative in the other House of Congress.

Governor Otero in his last report estimates the population at 234,000, which is out of all reason, as I shall show by the growth of the Territory in the period from 1890 to 1900. He estimates the population to-day, as I have stated, at 234,000, and then out of this he estimates the Spanish-Mexican population at 144,000 and the American population at only 90,000. Applying this ratio to the census of 1900, there would appear to be 118,000 Spanish-Mexicans and 74,000 Americans in the Territory.

From 1860 to 1870, according to the census reports, the population really decreased, and from 1890 to 1900, while there was some increase, it was of quite a limited character, the increase from 1890 to 1900 being only 3,500 per year.

According to the report of the Commissioner of Indian Affairs there were in 1901 19,284 Indians in New Mexico. Deducting from this the Pueblo Indians, to whom allotments of one kind and another have been made, 8,005 in all, and the other Indians to whom allotments have been made, 845 in all, it makes a total of 8,850; and it leaves 10,434 Indians, not taxable, not citizens, and not entitled to representation. Deducting this from the total population it leaves a population of 184,876 entitled to representation.

In this connection, on the subject of Indian population in the Territory of New Mexico, I beg leave to read the following letter from the Commissioner of Indian Affairs:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 23, 1902.

Hon. KNUTE NELSON, United States Senate.

SIR: Referring to your letter dated the 22d instant, requesting information in regard to Indian reservations and Indians in the Territory of New Mexico, there are inclosed herewith excerpts from the annual report of this office for 1901, showing the Indian reservations in said Territory, their area, the number and areas of the allotments, and the Indian population by tribes.

The total area of the reservations is 1,798,798.35 acres. Of this quantity 129,313.35 acres have been allotted to 845 Indians of the Jicarilla Apache Reservation. There are no other allotments in New Mexico, strictly so called. However, the Indians of the several pueblos (Pueblo tribe) have most of their lands divided up among themselves, in accordance with tribal laws and usages which have obtained for many generations.

The Indian population of said Territory is 9,234. In this connection attention is invited to my letter of the 16th instant, respecting Indians in Arizona, in which it was stated that possibly 10,000 Indians of the Navaho tribe live the greater part of the time in New Mexico. All the Navaho, however, are counted in the total population of Arizona. Strictly speaking, therefore, the Indian population in New Mexico is about 19,284.

Very respectfully,

W. A. JONES, Commissioner.

Deducting from this total the Pueblo Indians and the other Indians to whom allotments have been made, aggregating 8,850, that leaves, as I have already said, 10,434 Indian population in New Mexico.

Mr. BEVERIDGE. Mr. President—

The PRESIDING OFFICER (Mr. DUBOIS in the chair). Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. Mr. President, this portion of the speech of the Senator from Minnesota, like all that has gone before, is important and interesting, and I notice the absence of many Senators, possibly occasioned by lunch, but a notable absence of many who are reputed to be in favor of the omnibus bill. I think that this speech should be heard, and I therefore suggest the absence of a quorum and ask that the roll be called.

The PRESIDING OFFICER. The roll will be called.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Cockrell,	Hoar,	Platt, Conn.
Allison,	Cullom,	Jones, Ark.	Platt, N. Y.
Bacon,	Depew,	Kean,	Quarles,
Bard,	Dillingham,	McCumber,	Scott,
Bate,	Dolliver,	Mallory,	Spooner,
Berry,	Dryden,	Martin,	Tillman,
Beveridge,	Dubois,	Morgan,	Turner,
Burrows,	Fairbanks,	Nelson,	Vest,
Clark, Wyo.	Foraker,	Perkins,	Warren.
Clay,	Hanna,	Pettus,	

The PRESIDING OFFICER. Thirty-nine Senators have answered to their names. There is no quorum present. What is the pleasure of the Senate?

Mr. BEVERIDGE. There is nothing to do but to wait for a quorum, should that be the pleasure of the Senate.

Mr. FORAKER. I ask that the absentees be sent for.

Mr. BEVERIDGE. There is no objection to that.

Mr. BATE. Call the absentees.

Mr. FORAKER. Yes; I ask that the names of the absentees be first called, and then that absent Senators be sent for.

The PRESIDING OFFICER. The Senator from Ohio asks that the Sergeant-at-Arms request the presence of absent Senators.

Mr. FORAKER. The request is that the names of absentees be called.

The PRESIDING OFFICER. The names of the absentees will be called.

The Secretary read the list of absentees.

The PRESIDING OFFICER. The present occupant of the chair desires to state that his colleague [Mr. HEITFELD] is detained at home unavoidably and can not be present.

Mr. BATE. My colleague [Mr. CARMACK] is not well enough to be present. He is suffering from his eyes and can not be out. He is necessarily absent.

Mr. PETTUS. I move that the Senate adjourn.

Mr. FORAKER. There is before the Senate a request which, I think, takes precedence of that motion. I asked that absent Senators, except those for whom excuses have been made, should be sent for by the Sergeant-at-Arms.

Mr. BEVERIDGE. What is the request of the Senator?

Mr. FORAKER. The request is that the Sergeant-at-Arms ask

absent Senators to attend in the Senate—all those except the ones for whom excuses have been made.

The PRESIDING OFFICER. The Chair understands that a motion to adjourn is always in order.

Mr. FORAKER. Certainly, a motion to adjourn is in order; I do not question that; but I appeal to the Senator from Alabama to allow action upon the request which I had made before he made the motion to adjourn.

Mr. MCCOMAS entered the Chamber, and answered to his name.

Mr. ALDRICH. I should like to inquire how many Senators are present.

The PRESIDING OFFICER. Forty Senators are now present.

Mr. BEVERIDGE. What is before the Senate?

The PRESIDING OFFICER. The motion of the Senator from Alabama, that the Senate adjourn.

Mr. FORAKER. Upon that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SPOONER. May I be permitted to inquire what is the question before the Senate? I have been out of the Senate Chamber.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama, that the Senate adjourn.

Mr. FORAKER. The Senator from Alabama made the motion to adjourn, and upon it I have called for the yeas and nays.

Mr. ELKINS entered the Chamber, and answered to his name.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the motion of the Senator from Alabama, that the Senate adjourn.

The Secretary called the roll; and the result was announced—yeas 9, nays 31; as follows:

YEAS—9.

Bard,	Jones, Ark.	Nelson,	Quarles,
Beveridge,	Kean,	Pettus,	Scott.
Depew,			

NAYS—31.

Aldrich,	Cullom,	Lodge,	Platt, N. Y.
Allison,	Dillingham,	McComas,	Proctor,
Bacon,	Dolliver,	McCumber,	Spooner,
Bate,	Dubois,	Mallory,	Tillman,
Berry,	Elkins,	Martin,	Turner,
Burrows,	Fairbanks,	Morgan,	Vest,
Clark, Wyo.	Foraker,	Perkins,	Warren.
Clay,	Hoar,	Platt, Conn.	

NOT VOTING—48.

Alger,	Dietrich,	Hawley,	Patterson,
Bailey,	Dryden,	Heitfeld,	Penrose,
Blackburn,	Foster, La.	Jones, Nev.	Pritchard,
Burnham,	Foster, Wash.	Kearns,	Quay,
Burton,	Frye,	Kittredge,	Rawlins,
Carmack,	Gallinger,	McEnery,	Simmons,
Clapp,	Gamble,	McLaurin, Miss.	Simon,
Clark, Mont.	Gibson,	McLaurin, S. C.	Stewart,
Cockrell,	Hale,	Mason,	Taliaferro,
Culberson,	Hanna,	Millard,	Teller,
Daniel,	Hansbrough,	Mitchell,	Wellington,
Deboe,	Harris,	Money,	Wetmore.

So the Senate refused to adjourn.

Several SENATORS. No quorum!

Mr. FORAKER. I renew my request that the absentees be sent for.

Mr. BEVERIDGE. Mr. President—

Mr. BATE. Does not the fact, revealed by the vote, of the absence of a quorum necessitate another call of the Senate?

Mr. BEVERIDGE. I thought so. I was just about to say, when the Senator from Tennessee rose, that while of course my services in this body and my experience have been very brief, that during that brief time—

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Indiana to the fact that debate is not in order.

Mr. BEVERIDGE. What is not in order?

The PRESIDING OFFICER. Debate of any kind.

Mr. BEVERIDGE. I am not going to debate any question, Mr. President. I do not know that the request made by the Senator from Ohio is a privileged request.

Mr. FORAKER. There is nothing in order except that request.

Mr. LODGE. Nothing else.

Mr. BEVERIDGE. Perhaps that is so. I said I did not know that that was so, and unless the Senator can quote it from the Rules I shall beg leave to doubt it.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio, that the Sergeant-at-Arms be directed to request the presence of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order of the Senate.

Mr. BEVERIDGE. Mr. President, I still think the Senator from Tennessee is correct in his statement that when a call of the Senate—

Mr. HOAR. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state his point of order.

Mr. HOAR. The point of order is that nothing is in order but the execution of the order of the Senate on the motion of the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Massachusetts is entirely correct. There is nothing in order until the Sergeant-at-Arms executes the order of the Senate.

Mr. BEVERIDGE. I serve notice on the Senator from Massachusetts that I will make my observation afterwards.

Mr. BATE. Mr. President, a parliamentary question, and it is this: Whenever a vote is taken and that vote reveals the absence of a quorum, it is the duty of the Chair to have the roll of the Senate called. I raise that parliamentary question, and if it be correct, I ask that the roll be called.

Mr. SCOTT. I rise to inquire whether a motion to take a recess is in order at this time?

The PRESIDING OFFICER. No motion whatever is in order at this time. Nothing can be done until the order of the Senate is executed by the Sergeant-at-Arms.

Mr. NELSON. A motion to adjourn is in order, because business has been transacted since the prior motion was voted down.

The PRESIDING OFFICER. A motion to adjourn is in order.

Mr. BATE. Mr. President, am I not entitled to a decision of the Chair on the parliamentary inquiry? My point is, is it not the duty of the Chair, of his own motion, to have the roll of the Senate called whenever any vote reveals the fact of the want of a quorum? I have a right to a decision of the Chair on the inquiry.

The PRESIDING OFFICER. The present occupant of the chair will say to the Senator from Tennessee that the first roll call disclosed the absence of a quorum. Then a motion was made to adjourn. On that the yeas and nays were called. That vote also disclosed the absence of a quorum. Then the motion of the Senator from Ohio, in the judgment of the Chair, was in order—

Mr. BATE. That is true.

The PRESIDING OFFICER. Without any further call of the roll, because the fact of the absence of a quorum had twice been disclosed. The Chair thinks that nothing is in order—

Mr. BATE. Pardon me. There was a vote taken by a call of the roll. After that had been done and after the fact had been known that there was not a quorum present others came in, as the roll itself will show. Then does it not become the duty of the Chair to have the roll called again?

The PRESIDING OFFICER. The Chair thinks not, because the vote disclosed the absence of a quorum.

Mr. BEVERIDGE. I should like to understand the ruling of the Chair, which now I do not quite understand. I understand the point of the Senator from Tennessee to be that when a yeas-and-nays vote is taken and the result of the vote shows the absence of a quorum, that of itself and upon its face requires the Presiding Officer to order again a roll call of the Senate to discern whether or not a quorum has arrived since the vote was taken.

Mr. BATE. That is the point.

Mr. BEVERIDGE. Do I understand the Chair to rule that that is not the case and that the thing may remain without any action? Is not that a thing which automatically corrects itself? I do not see any answer to the position of the Senator from Tennessee, but I am not as yet skilled in the rules of the Senate. However, I do ask the ruling of the Chair upon that point, so that I myself can understand it.

The PRESIDING OFFICER. The Chair has ruled once that the previous roll call disclosed the absence of a quorum.

Mr. BEVERIDGE. Yes.

The PRESIDING OFFICER. Then a motion was made to adjourn, and on that the yeas and nays were called. That vote disclosed the absence of a quorum, and then the motion of the Senator from Ohio was in order, directing the Sergeant-at-Arms to request the presence of absent Senators. He is now discharging that duty. There is no necessity for again calling the roll. There is now in the hands of the Sergeant-at-Arms a list of the absent Senators.

Mr. DEPEW. Mr. President, it seems to me that the Senate is pursuing a well-known precedent. We have had to-day a great speech from a great statesman and a great orator. While we all may not agree with him in the conclusions at which he arrived, nevertheless the speech itself was one of those efforts which give—

Mr. BERRY. Mr. President, I make the point of order that no debate is in order.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from New York to the fact that no debate is in order.

Mr. SPOONER. I do not think the point of order is well taken. That is not debate.

Mr. DEPEW. It is not debate. This is a statement—a statement of fact.

The PRESIDING OFFICER. The Senator from New York can only proceed by unanimous consent. The Chair hears no objection, and the Senator will proceed.

Mr. DEPEW. It is a statement of fact, and the Senator from Arkansas wants me to state what I am now proceeding to say.

It has been the custom of this body, I understand, though I am not an old member, when a speech of that character has been delivered to adjourn. Most of the Senators who listened to that effort have gone to their various residences for the purpose of thinking over and digesting it. The Senate is in no mood, after an effort of that lofty range and dignity, to attend to the ordinary routine of business at this late hour in the afternoon. We will sit here long and wearily for a quorum, and when we get it the Senate will immediately adjourn without giving to the adjournment the dignity which we can give it now by adjourning, because we are satisfied with the day's proceedings after the effort of the Senator from Massachusetts.

Mr. FORAKER. Mr. President—

Mr. DEPEW. I therefore move that the Senate now adjourn.

Mr. FORAKER. The Senator from Wisconsin was mistaken when he announced that he did not think there was any debate intended on the part of the Senator from New York.

Mr. SPOONER. I said what the Senator had uttered indicated no purpose of debate.

Mr. FORAKER. What he had uttered up to that point, but it has been made manifest that there was a purpose in it, and it was in the nature of an argument in support of a motion to adjourn.

I rise for the purpose of objecting to the transaction of any further business. Of course, if the Senator sees fit to renew the motion to adjourn, that motion is always in order, but I hope we shall vote it down.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. The Senator from New York moves that the Senate do now adjourn. Debate is not in order.

Mr. TILLMAN. I am not asking for debate, but I wish to make a parliamentary inquiry. Is that in order?

The PRESIDING OFFICER. That is in order, pending the motion to adjourn.

Mr. TILLMAN. The vote on adjournment having disclosed the fact that there was no quorum and an order of the Senate having been taken to bring in absentees, I wish to know how, when enough absentees appear, we are to discover that we have a quorum and can do business? How will that be done without a roll call? I think we have a quorum present. I know we have.

Mr. SPOONER. I think the question of the Senator from South Carolina is a pertinent one. If the Chair will look at subdivision 3 of Rule V, I think it clearly contemplates the roll call when it may be demanded, because it says:

Whenever upon such roll call—

That is the one which was referred to and which disclosed the absence of a quorum—

Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present—

That answers the Senator from New York. It is not the Chair's business—

a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate—

That has been done—

and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

Mr. BATE. But there was business, Mr. President. There was a roll call again upon the motion to adjourn, and it was found that we did not have a quorum. Now, then—

The PRESIDING OFFICER. The Chair will call the attention of the Senator—

Mr. TILLMAN. I have not yet received an answer to my inquiry. I should like to have the Chair decide how we are to find out whether we have a quorum without a call of the roll.

Mr. BERRY. The Sergeant-at-Arms will make his report, I will say to the Senator from South Carolina.

The PRESIDING OFFICER. The roll is being called at the present time, and the Sergeant-at-Arms is out trying to find absent Senators who will answer to the roll call which is now in progress.

Mr. TILLMAN. If the roll call on the motion to adjourn is the one now pending, how did the Senator from Ohio get his order to have the absentees called in?

The PRESIDING OFFICER. By a majority vote of the Senate, a quorum not being present, the Senate refused to adjourn. The Senator from Ohio then moved that the Sergeant-at-Arms bring in absent Senators. That is entirely correct.

Mr. TILLMAN. That is being done?

The PRESIDING OFFICER. It is being done now.

Mr. TILLMAN. But when will those absent Senators make their presence known unless you continue the roll call? Are the Senators who are being arrested, or requested, or coerced to come here going to be brought in bodily and presented to us as absentees, or are we going to let them sneak in, so to speak, and escape the punishment which is due them for a neglect of their duties?

The PRESIDING OFFICER. Can the Senator from South Carolina comprehend that the roll call is now in progress and has not been completed?

Mr. TILLMAN. The Senator thinks he can comprehend that it is not the actual fact, and he doubts very much whether in the opinion of the Chair it is true.

The PRESIDING OFFICER. The Sergeant-at-Arms was directed by the Senate to bring Senators in to answer to the roll call.

Mr. TILLMAN. In the meantime a motion to adjourn is made, and that is in order according to the rule just read by the Senator from Wisconsin. If we will take a yeas-and-nays vote, I think we will discover whether we have a quorum. I therefore call for the regular order, which is the motion of the Senator from New York.

Mr. FORAKER. On that I ask for the yeas and nays.

The PRESIDING OFFICER. On the motion of the Senator from New York to adjourn, the Senator from Ohio asks for the yeas and nays.

The yeas and nays were ordered; and being taken, the result was announced—yeas 6, nays 32; as follows:

YEAS—6.

Bard,	Depew,	Platt, N. Y.	Scott.
Beveridge,	Pettus,		

NAYS—32.

Aldrich,	Cockrell,	Hanna,	Morgan,
Allison,	Cullom,	Hoar,	Perkins,
Bacon,	Dillingham,	Jones, Ark.	Platt, Conn.
Bate,	Dolliver,	Kean,	Spooner,
Berry,	Dubois,	McCumber,	Tillman,
Burrows,	Elkins,	Mallory,	Turner,
Clark, Wyo.	Fairbanks,	Martin,	Vest,
Clay,	Foraker,	Mitchell,	Warren.

ABSENT AND NOT VOTING—50.

Alger,	Foster, La.	Kittredge,	Proctor,
Bailey,	Foster, Wash.	Lodge,	Quarles,
Blackburn,	Frye,	McComas,	Quay,
Burnham,	Gallinger,	McEnery,	Rawlins,
Burton,	Gamble,	McLaurin, Miss.	Simmons,
Carmack,	Gibson,	McLaurin, S. C.	Simon,
Clapp,	Hale,	Mason,	Stewart,
Clark, Mont.	Hansbrough,	Millard,	Taliaferro,
Culberson,	Harris,	Money,	Teller,
Daniel,	Hawley,	Nelson,	Wellington,
Deboe,	Heitfeld,	Patterson,	Wetmore.
Dietrich,	Jones, Nev.	Penrose,	
Dryden,	Kearns,	Pritchard,	

So the Senate refused to adjourn.

Mr. BEVERIDGE. Mr. President, what is the parliamentary state of affairs now?

The PRESIDING OFFICER. No quorum is present, the Chair is compelled to announce.

Mr. BEVERIDGE. Does the Chair rule that that state—

The PRESIDING OFFICER. The Chair directs the Secretary to call the roll.

Mr. BERRY. That is all wrong.

Mr. ALDRICH. It does not strike me that that is necessary at this stage of the proceedings. The order of the Senate that the Sergeant-at-Arms should request the attendance of absentees is being carried out, and pending that it is not necessary to again disclose the want of a quorum. We are now proceeding upon the theory that there is no quorum of the Senate present.

The PRESIDING OFFICER. The Chair will state to the Senator from Rhode Island that the Chair has so ruled distinctly.

Mr. ALDRICH. Therefore, I think it is not necessary.

The PRESIDING OFFICER. It is not necessary at all.

Mr. BEVERIDGE. It is not necessary to do what?

The PRESIDING OFFICER. It is not necessary to call the roll.

Mr. ALLISON. May I make an inquiry of the Chair?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. ALLISON. There are some Senators, I think, who voted on the last call of the roll who are not on the roll previously called. I should like to know how those Senators can be counted upon the original roll call when the want of a quorum was disclosed?

Mr. COCKRELL. Is my name on that roll?

Mr. ALLISON. I ask if Senators who have answered on the last roll call are enrolled on the original call, when the want of a quorum was disclosed?

Mr. ALDRICH. Not unless they answered to their names, or unless they have called the attention of the Chair to their presence.

The PRESIDING OFFICER. They must rise in their seats and address the Chair and have their names recorded.

Mr. ALLISON. That is what I supposed. I merely—

Mr. HOAR. Mr. President, I rise to a parliamentary inquiry. Is it not the invariable custom of the Senate, as of the House, that when the Sergeant-at-Arms is directed to request the attendance of absent members after a roll call discloses the want of a quorum that when the absent members come in, if they choose, they address the Chair and answer to their names as they are called?

Mr. ALLISON. That is always the case if they answer to their names.

Mr. HOAR. If they choose.

Mr. ALLISON. But suppose they do not report themselves, and afterwards, on a motion to adjourn, for example, they vote; they still do not appear on the original roll call where the want of a quorum was disclosed. We do not know how many who were absent on the original roll call are now present.

Mr. SPOONER. I should like to ask the Senator from Iowa a question. I do not know much about parliamentary law.

Mr. ALLISON. The Senator is quite in accord with me in that respect.

Mr. SPOONER. Suppose, on the roll call upon the motion to adjourn—

The PRESIDING OFFICER. Senators will take their seats and be in order.

Mr. SPOONER. I wish to put this question for information to the Senator from Iowa, who is an expert on parliamentary law; Suppose the roll call on the motion to adjourn had developed the presence of a quorum in the Senate, would it not have been in order to move to dispense with further proceedings under the call?

Mr. ALLISON. Manifestly.

Mr. SPOONER. Then every Senator would not have been obliged to rise and address the Chair when he had actually shown his presence by answering to the roll call?

Mr. ALLISON. But the situation suggested now by the Senator from Wisconsin is not the present situation. That is the difficulty. I was calling attention to a situation where on a roll call the want of a quorum was disclosed, and afterwards a Senator steps in pending a roll call on a motion to adjourn and votes.

Mr. SPOONER. Then he is not here, although he votes. Is that it?

Mr. ALLISON. He happens to be here, but he does not happen to be recorded on the roll which is being called for the purpose of developing the presence of a quorum. That is the situation, as I understand it.

Mr. FRYE entered the Chamber, and answered to his name.

Mr. PROCTOR. I voted on the motion to adjourn, but I believe I am not recorded, not having answered on the original roll call.

Mr. MITCHELL. I am in the same fix as the Senator from Vermont. I voted against the motion to adjourn, but I did not vote on the original roll call.

Mr. MCENERY entered the Chamber, and answered to his name.

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum is now present.

Mr. HOAR. I move to dispense with all further proceedings under the call.

Mr. FORAKER. I move that the order that the Sergeant-at-Arms request absentee Senators to appear in the Senate be now discharged, it having been announced that there is a quorum present.

Mr. HOAR. I understand my motion to be the proper one, as well as the only one in order, which is to dispense with all further proceedings under the call.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized, and moves that all further proceedings under the call be dispensed with. The Chair hears no objection, and it will be so ordered.

Mr. FORAKER. I beg the pardon of the Senator from Massachusetts. I did not know he had taken charge of the bill.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. NELSON] will proceed.

Mr. NELSON. Mr. President, when we come to the matter of the language of the country we find peculiar conditions existing. Far more than one-half of the people there are Spanish-Mexicans. Mr. Marron, a witness called by Delegate RODEX, said that the population is composed of 100 Mexicans to 60 Americans, and that the Mexicans speak mostly the Spanish language. The testimony from which I shall quote makes this perfectly clear.

I read from the testimony of Mr. Foraker, the marshal of that Territory:

Q. In the country districts what is the nature of the population with respect to what language is used and as to what is called down here Mexican and American?

A. Well, the country population is principally Mexican.

Q. What language do they speak?

A. Principally the Spanish language.

Q. Have you been out in the course of the political campaigns down here and observed the political campaigns in the country districts?

A. Yes, sir; a great deal.

Q. What is the fact as to the use of an interpreter at the meetings, or how are those conducted?

A. They always have a Spanish interpreter.

Q. Have you been in the conventions?

A. Yes, sir.

Q. What is the fact as to the use of an interpreter in the political conventions?

A. They always use an interpreter.

Q. Is that true here in Albuquerque?

A. Yes, sir.

Mr. FAIRBANKS. From what page is the Senator reading?

Mr. NELSON. Page 74 of the testimony taken by the subcommittee. Here is the testimony of Mr. Marron in reply to a question proposed to him by Senator BURNHAM:

Q. Is it not a fact that the Mexicans, as a rule, in their own homes very largely use the Spanish language?

A. That, I think, is the fact, Senator. There is no question about that. There is no information that I can give you that would not be cumulative evidence.

Then the witness was asked:

Q. Mr. Marron, what do you think is the proportion throughout the Territory of the Mexican population as against the American, by which I mean all others than Mexican?

A. I believe that the Mexican population predominates in New Mexico, the proportion of Americans to Mexicans being probably 60 and 100.

I next read from the testimony of Mr. Hopewell on page 91:

Q. Is it the habit of the Mexican people to continue the use of the Spanish language in their own homes?

A. Yes, sir; to a very large extent. In fact, I would state it was almost universal.

I read from another witness—Allen J. Papen:

Q. How long have you been postmaster?

A. About five months.

Q. Do you speak Spanish?

A. Yes, sir.

Q. The people who come to your office—you can speak to them in English or Spanish either?

A. Yes, sir.

Q. Do people come to your office from the country districts?

A. Yes, sir; for 4 or 5 or 6 miles.

Q. The people from the country districts speak what language when they come for their mail?

A. Why, usually Spanish.

Mr. Pablo Ulibarri, a census enumerator, gives this testimony—I read from page 14:

Q. What language is spoken by those whose census you took?

A. Ninety-five per cent speak Spanish.

Q. Of this 95 per cent can any speak English?

A. Sixty-five per cent of this 95 per cent also speak English.

I read from the testimony of another census enumerator—Eugenio Rudolph:

Q. What was the language spoken there?

A. Mexican, most of it.

Q. Were there schools in that district?

A. There were not any at the time I was there. I was there in June.

Here is another witness, J. Francisco Chavez:

Q. What Spanish text-books are used in the common schools?

A. They are Velasquez's grammar and reader.

Q. What else?

A. I forget the arithmetic and geography.

Q. But some Spanish authority?

A. Yes, sir. Probably McGuffey, but translated from the English to the Spanish.

The witness states in another place:

Q. In the counties, taking them in the order you have named, what would you say, as a rough estimate, of the proportion of the native or Mexican population, or what we call down here Mexican population?

A. At a rough estimate, I would say two-thirds are natives.

The testimony. Mr. President, shows further that in the schools Spanish is largely taught side by side and on an equality with the English language. A large number of the pupils speak Spanish, and in some public schools Spanish is exclusively taught.

In connection with and in support of this, I beg leave to quote further from the testimony of J. Francisco Chavez. Here is the question:

Q. What is the case about Spanish being taught exclusively in certain counties of the Territory?

A. There are some districts in which Spanish is taught exclusively. The reason for this is the paucity of teachers.

Not only is Spanish taught in the schools side by side with the English language and on a footing of equality with it, as is shown by the testimony of many of the teachers, but in many of the schools in the country districts only the Spanish language is taught.

When you come to the legislature you find that there both languages are used side by side. Interpreters are employed in the legislature, and the laws are published in the Spanish language. This condition, so far as I am aware, exists nowhere else within our country outside of Porto Rico, one of our recently acquired territorial possessions. In no legislative assembly, Territorial or State, in our country, outside of the Territory of Porto Rico, so far as I am aware, is any language used in their official proceedings except the English language. But in the legislature of New Mexico they use two languages—Spanish and English—side by side. They have interpreters. The journals, I believe, are kept in both languages, and the laws are published in both languages.

When you come to the courts it is still more odd and unique. In the district courts of the Territory interpreters are used, not only to interpret the testimony of the witnesses, but to interpret the arguments of the attorneys, the counsel in the case, to interpret the charge of the court to the jury, and in some instances interpreters are sent into the grand and petit jury rooms. In this connection I desire to quote from the testimony of the several district judges in that Territory. I first quote from the testimony of Chief Justice Mills, on page 2 of the testimony taken by the committee. Here is the question and here is the answer:

Q. Now, the work of the interpreter consists of interpreting the testimony of witnesses and the arguments of counsel?

A. Yes, sir; the arguments of counsel and instructions of the court to the jury. In Colfax County I have not needed him sometimes; in the other counties I have had to use him constantly. The Americans are busy, and they always like to try to keep off the juries.

On the next page he states as follows:

Q. I understand the use of an interpreter is to interpret the testimony, to interpret the charge of the court to the jury, and to interpret the argument of counsel to the jury.

A. Yes, sir; to interpret everything to the jury that it is necessary for them to know.

I beg leave further to quote from the testimony of the court interpreter, Nepomuceno Segura:

Q. Will you describe to the committee the duties—the nature of your duties in that office?

A. Yes, sir. The nature of my duties are to interpret from English into Spanish all evidence given before the court. There are very many Spanish-speaking people that come before the court as defendants and witnesses, and I have to interpret both ways—from the Spanish into the English and from the English into the Spanish; also the arguments of counsel, both into English and Spanish. That is the amount of the duties of a court interpreter.

Now, here is the testimony as to the jury room:

Q. Now, as to the work in the jury room, your services are not required in the jury room, are they?

A. No, sir; except in very strenuous cases. No, sir; except in very exceptional cases. In two cases I have found that I had to go in the jury room and interpret for them. This was necessary when there was a portion of Spanish-speaking members and a portion of English-speaking members and neither of them speaking the other language, and the courts thought it was proper for the interpreter to go into the room so that they could interpret, and the members of the jury know what was going on.

There are portions of this country where they frequently use interpreters in the matter of witnesses. There are oftentimes foreigners who can not speak our language who are summoned as witnesses, and interpreters are then employed, but outside of the Territory of New Mexico, Mr. President, I know of no place in the United States between the Atlantic and the Pacific oceans where interpreters are used to interpret the arguments of counsel or to interpret the charge of the court; and, more than that, I never heard of such a thing—it is almost inconceivable—as sending an interpreter into a grand or a petit jury room.

I live in one of the growing States of the Northwest where there is a large foreign population. Perhaps one-fourth of the population of Minnesota are foreign born. I have practiced law for many years in various parts of the State, and I have never yet known or heard of a case where it has been necessary to interpret the arguments of counsel or the charge of the court to the jury or of such a thing as an interpreter appearing before the grand and petit jury.

I beg leave to quote from another district judge, Judge McFie.

Mr. BEVERIDGE. Has the Senator quoted from the witness who follows Judge Mills—that is, the official interpreter of his court?

Mr. NELSON. I quoted from him a moment ago.

Mr. BEVERIDGE. I was out of the Senate Chamber for a moment, having been called out to the committee room, and did not hear the Senator.

Mr. NELSON. I now quote from the testimony of Judge McFie:

Q. In the counties, taking them in the order you have named, what would you say, as a rough estimate, of the proportion of the native or Mexican population, or what we call down here Mexican population?

A. At a rough estimate, I would say two-thirds are natives.

Q. That would apply to each county?

A. No. San Juan is largely American. Rio Arriba and Taos are largely native.

THE LARGER PER CENT NATIVES.

Q. And Santa Fe?

A. Santa Fe, the larger per cent of the people are native people.

Q. That is the county in which the city of Santa Fe is located?

A. Yes, sir.

Q. You hold court in each one of these counties?

A. The United States court is held here in Santa Fe for four months, and then court is held in each of the counties twice a year for Territorial business.

Then he goes on and testifies as to the interpreter's work.

Q. The work of an interpreter is what?

A. He translates English into Spanish and Spanish into English.

Q. He translates the testimony of witnesses to court and jury and translates the arguments of counsel?

A. Yes, sir; and the charge of the court to the jury. The law requires the charge of the court to be in writing, and of course it is in English, and it is then read in Spanish to the native juries, if they are native juries; also interpreters the oath of office.

METHODS OF JURY ROOM.

Q. When the jury retires to the jury room what is the nature of the work of an interpreter being required in the jury room to translate for those who speak English and no Spanish and others who speak Spanish and no English?

A. It is very rarely that an interpreter is sent unless requested by the jury. The reason for this is there are many of the natives who speak English and they are required to interpret.

He says:

A. I never allow an interpreter in a jury room unless there is some one in the jury room that can not speak English. This rarely occurs, but then the official interpreter is required.

I now read from the testimony of Judge Baker, another district judge:

Q. The duties of that interpreter are what?

A. Well, he interprets all of the witnesses that can not talk the English, and if he does talk English and there are Mexicans on the jury that do not understand the English he interprets that.

Q. And the arguments of counsel?

A. And the arguments of counsel; yes, sir. Sometimes we have a jury that understands the English.

ONE CASE TRIED WITHOUT INTERPRETER.

Q. Do you have that in this country?

A. Yes, sir; I have had, I think, one of the twenty-four that did not understand the English; and if you get them mixed properly once in a while you have a jury that is all right, and if not if there is one on the jury that does not understand the English we have to use the interpreter.

Q. And in Valencia County?

A. I would think every case.

Q. And in McKinley County how is it?

A. I think in McKinley County the only term I have had there was only two that required the interpreter out of the twenty-four.

Q. Have you had any case since you have been on the bench when the interpreter was not used?

A. I think in McKinley County. That is a new county and they haven't much business.

I next want to quote on this same topic from the testimony of Judge Parker. This is the question:

Q. In the trial of causes, have you a regular court interpreter?

A. We have.

Q. The committee judges from other testimony already before it that the duties of the interpreter consist of interpreting the testimony of witnesses to the jury and to the court, in interpreting the arguments of counsel to the jury, and the charges of the court to the jury.

A. That is correct.

Q. And the interpretation in some cases between the jurors themselves in the jury room?

A. That is the case where there happens to be an American on the jury who does not understand the Mexican language or a Mexican that does not understand the English.

I next want to quote from Judge McMillan on this point. After giving the list of counties in his district and their population, he was asked the question:

Take the other counties—

After having referred to one—

Q. Take the other counties. What is the proportion of American and Mexican population in Chaves County?

A. I do not know what the census shows; it is only what I see about my courts and about the town. The percentage is very, very small there; very small indeed; as far as I have been able to observe, scarcely noticeable. Lincoln County is almost entirely a grazing and mining county, and is largely a Mexican county. The Mexican element predominates there. My juries in Lincoln County will run about from—well, I do not think I ever have less than eight out of twelve that are "Mexicans," and sometimes more than that.

Q. In that county you have an interpreter?

A. Yes, sir; all the work is done through an interpreter. The juries in that county—very few of the Mexican jurors understand the English language at all, and all the work is done through the interpreter; the taking of testimony, the charging of the court, and the summing up of counsel.

Q. When the jury take the case for consideration does it become necessary to have an interpreter in the jury room?

A. Very frequently, yes, sir. The interpreter, the clerk, the stenographer, and the marshal are all sworn, and they all go around with me in all of the courts.

This testimony from which I have quoted—and I have gone over the testimony of all the district judges—shows conclusively an anomalous and most unique condition, unknown anywhere else in our country. All the judges have to use interpreters, and not only interpreters for the testimony, as happens very often in the courts all over the land, but they use interpreters for the arguments of counsel, for the charge of the court, and in many instances, as this last judge from whom I cited says, the interpreters have to go into the jury room.

To show the illiterate character of the country, I beg leave to quote from the testimony of Marshal Foraker, of that Territory.

Mr. BEVERIDGE. Will the Senator from Minnesota permit me?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. Before the Senator leaves the question of the use of the Spanish language and the necessity for interpreters, I call his attention to the further fact, supplemental to the use of it in the United States courts, that it is used to a very great extent—one might almost say exclusively—in the justices of the peace courts, and that, further, the political conventions require interpreters.

Mr. NELSON. I was coming to that point.

Mr. BEVERIDGE. I beg pardon.

Mr. NELSON. To show the illiterate character of the country,

I beg leave to call attention to the testimony of Marshal Foraker on page 76. This is the question:

Q. I note, in hastily looking over the lists, that some of the jurors signed receipts for their fees with their marks. What has been your experience in this?

A. Some sign by their mark and some do not. I recollect in one case, where there was a grand jury of 21, that 19 of them signed by mark, and in another case a petit jury of 24 where 21 of them signed by their mark.

Now, when you come to the proceedings in the justice courts, a still greater anomaly exists. In most of the justice courts of the Territory the proceedings are entirely in the Spanish language. They use Spanish laws; they have their dockets and everything in Spanish.

I wish to quote in this connection from the testimony on this point and to fortify what I state as I go along by quotations from the testimony. This is the testimony of Jesus Maria Tefoya, a Spanish-speaking witness:

Q. Can you remember the nature of those cases?

A. Well, my book would show; but, more or less, it is about thirty cases, among Mexican and American people.

Q. The cases that you have before you—what language is used?

A. The Spanish.

Q. The people who live in Las Vegas speak Spanish?

A. Yes, sir.

Q. Will you be kind enough to take the carriage, or any other conveyance, and go over and get your docket and bring it back?

A. Yes, sir; all right.

And here the witness left the committee room, and returned after some time with his dockets, which were submitted to the committee. Examination resumed.

By the CHAIRMAN:

Q. Do you keep this criminal docket?

A. Yes, sir.

Q. I see it is all kept in Spanish.

A. Part of it; most of it is in Spanish. The Spanish is kept in Spanish and the English in English.

Q. The last case was November 7, 1902. That is in Spanish; the next case is in Spanish. Is there anything in this criminal docket that is in English?

A. Yes, sir; some in English, down there.

Q. Who wrote this in English for you?

A. I did it myself.

Q. I observe in this criminal docket of yours of 200 pages that practically all are written in Spanish—all entries.

A. Yes, sir.

Q. That is because of what?

A. Because the Spanish population is in the majority.

Q. Because the cases are in Spanish, with Spanish-speaking defendants?

A. Yes, sir; Spanish-speaking criminals.

Here we have the testimony of another justice of the peace, on page 25:

Q. I see that all of your docket is written in Spanish.

A. All is written in Spanish.

Q. The witnesses whom you hear before you in the trial of cases, are they Spanish-speaking or English-speaking?

A. When they are English I have an interpreter there.

Q. I see here on page 6 of your docket what appears to be a justice of the peace jury. Is that a jury?

A. Yes, sir.

Q. What are the names of those jurors?

A. They are Pedro Triego, president; Fabrian Gallegos, Antonio Maria, Pedro Grego, Jose Ulibarri, and Luis Pino.

Q. That is the only jury on your docket, is it?

A. Yes, sir.

I read from the testimony of another justice of the peace, Francisco Anaya, on page 39:

Q. I see this docket is practically all written in Spanish.

A. Yes, sir.

Q. Why is it you make it in Spanish instead of English?

A. Because we keep the dockets in Spanish.

Q. I see here that nearly all the names of the parties in running through the docket are Spanish names.

A. Yes, sir.

Q. Are most of your cases with the Spanish population?

A. The majority of them are Mexicans in my precinct.

Q. In the trial of these cases the witnesses are examined in Spanish. Are the cases conducted in Spanish?

A. Yes, sir; sometimes in Spanish, sometimes in English.

Mr. KEAN. Will the Senator from Minnesota yield to me in order that I may submit a motion for an executive session?

Mr. NELSON. Certainly.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. Will the Senator from New Jersey withhold the motion for a moment?

Mr. KEAN. Certainly.

LOUISIANA PURCHASE EXPOSITION COMPANY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Select Committee on Industrial Expositions, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the month of November, 1902, furnished by the Louisiana Purchase Exposition Commission in pursuance of section 11 of the "Act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory," etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, January 6, 1903.

TELEPHONE LINES IN PORTO RICO.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on December 3, 1902, granting to Benjamin J. Horton the right to construct, operate, and maintain a system of long-distance telephone lines extending through the island of Porto Rico and connecting various cities and towns thereof, together with local telephone exchanges in such cities and towns.

This ordinance was approved by the President of the United States on December 31, 1902.

THEODORE ROOSEVELT.

WHITE HOUSE, January 6, 1903.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 7, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 6, 1903.

APPOINTMENTS IN THE ARMY.

Judge-Advocate-General's Department.

Capt. Louis B. Lawton, Twenty-sixth Infantry, to be judge-advocate with the rank of major, January 5, 1903, vice Carbaugh, promoted.

Infantry Arm.

Lewis Worthington Moseley, at large, to be second lieutenant, December 27, 1902, vice Wade, Tenth Infantry, promoted.

PROMOTIONS IN THE ARMY.

Artillery Corps.

Lient. Col. William P. Vose, Artillery Corps, to be colonel, December 20, 1902, vice Hasbrouck, appointed brigadier-general. Maj. Walter Howe, Artillery Corps, to be lieutenant-colonel, December 20, 1902, vice Vose, promoted.

Capt. Adam Slaker, Artillery Corps, to be major, December 20, 1902, vice Howe, promoted.

First Lient. Robert H. C. Kelton, Artillery Corps, to be captain, December 20, 1902, vice Slaker, promoted.

Second Lient. Kenneth C. Masteller, Artillery Corps, to be first lieutenant, December 20, 1902, vice Kelton, promoted.

Infantry Arm.

Capt. Walter A. Thurston, Sixteenth Infantry, to be major, December 29, 1902, vice Howland, Twenty-ninth Infantry, retired from active service.

CONSUL.

Raymond R. Frazier, of Wisconsin, to be consul of the United States at Copenhagen, Denmark, vice John C. Freeman, resigned.

SURVEYOR OF CUSTOMS.

Sidney O. Weeks, of New York, to be surveyor of customs for the port of Patchogue, in the State of New York. (Reappointment.) This nomination is made to correct error in nomination of the 5th instant, wherein Mr. Weeks was nominated as collector of customs for the district of Patchogue, instead of surveyor of customs for the port of Patchogue.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 6, 1903.

CONSUL.

Raymond R. Frazier, of Wisconsin, to be consul at Copenhagen, Denmark.

APPOINTMENTS IN THE MARINE-HOSPITAL SERVICE.

Ruel E. Ebersole, of Virginia, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States. Holcombe McRobertson, of Virginia, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

William K. Ward, of the District of Columbia, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

COLLECTOR OF CUSTOMS.

James C. Tawes, of Maryland, to be collector of customs for the district of eastern Maryland, in the State of Maryland.

POSTMASTERS.
KENTUCKY.

William M. Catron, to be postmaster at Somerset, in the county of Pulaski and State of Kentucky.
Samuel G. Hanson, to be postmaster at Berea, in the county of Madison and State of Kentucky.

MAINE.

Jarvis C. Billings, to be postmaster at Bethel, in the county of Oxford and State of Maine.
Charles H. Hooper, to be postmaster at Castine, in the county of Hancock and State of Maine.
Frank B. Purinton, to be postmaster at Fairfield, in the county of Somerset and State of Maine.

MASSACHUSETTS.

Charles D. Brown, to be postmaster at Gloucester, in the county of Essex and State of Massachusetts.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 6, 1903.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Monday, January 5, 1903, was read and approved.

GOVERNMENT PRINTING OFFICE.

The SPEAKER. The Chair calls attention of the House to House joint resolution No. 191, which the Clerk will read by title. The Clerk read as follows:

Joint resolution to authorize the officer in charge of the new building for the Government Printing Office to pay full wages to per diem employees carried on the pay rolls of said building on September 17, 18, and 19, 1901, when work was suspended out of respect to the memory of the late President of the United States.

The SPEAKER. This seems to be on the wrong Calendar, and the Chair refers it to the Private Calendar.

EFFICIENCY OF THE ARMY.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report, which I will send to the desk and ask to have read. The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House No. 370, have had the same under consideration and report the following substitute therefor:

"Resolved, That immediately after the adoption of this rule the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15449) to increase the efficiency of the Army, and after not more than one hour of general debate the said bill shall be considered under the five-minute rule."

Mr. DALZELL. Mr. Speaker, this rule relates to the bill which was under consideration yesterday and which failed to pass only because of the absence of a quorum. I present the report as a unanimous report from the Committee on Rules. I ask for a vote.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I do not take the floor to antagonize the rule at all. As stated by the gentleman from Pennsylvania [Mr. DALZELL], the rule provides for the proper consideration, as I think, of the measure which was pending yesterday, and provides that we may have one hour of general debate. After that the bill shall be read for debate and for amendment under the five-minute rule in Committee of the Whole. This gives ample opportunity for discussion, as I take it, and for full and fair consideration of the measure. That being so, on this side we make no objection to the adoption of the rule.

The SPEAKER. The question is on agreeing to the resolution. The resolution was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15449) to increase the efficiency of the Army, with Mr. OLMSTED in the chair.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

[For copy of the bill see proceedings of January 5, 1903.]

Mr. HULL. Mr. Chairman, I take it that the gentleman from Tennessee [Mr. RICHARDSON] would control thirty minutes of the time at least.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I have no desire to control the time. I am perfectly content that the minority members of the Committee on Military Affairs control one-half of the time. I understand they favor the passage of the bill, but the gentleman from Virginia [Mr. HAY] says he will

give time to any gentleman on our side who desires to antagonize the bill. That being so, I prefer that the members of the committee shall control the time.

Mr. HULL. Mr. Chairman, I desire to be recognized for only thirty minutes, and unless some one on this side desires to discuss the measure I shall simply reserve my time and allow the opposition to consume its time.

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. McCLELLAN].

Mr. McCLELLAN. Mr. Chairman, the only civilized armies in the world which are not provided with general staffs are those of England and of the United States. England's need for a general staff was emphasized in the South African war. Ever since I have been a member of this House I have never ceased to urge the absolute necessity that exists for a general staff in the United States Army. It was not, however, until the Spanish war that the necessity became apparent to the general public. It is a source of great gratification to me, as it should be to every member of this House, that the War Department and the Committee on Military Affairs have at last reached a realization of the self-evident fact that if we are ever to have an efficient army there must be a general staff corps at its head.

There are two general staff systems in existence: First, the Prussian, by which an officer once a member of the general staff always remains so; second, the French, by which the staff is made up of graduates of the Superior War School, detailed for a term of years, by competitive examination.

I realize that a permanent staff may possibly not be suited to conditions in this country and that a detailed staff may serve us better, because the latter system permits of more readily getting rid of officers who prove themselves unfit for staff duty. The bill before us is supposed to be modeled upon the French system. It only provides for a copy of the French general staff in that the general staff proposed is to be recruited by detail, but the details are to be made arbitrarily, without any provision for graduation from the staff college or competitive examination.

At the proper time I shall offer an amendment limiting assignments in the general staff to graduates of the War College. I realize, however, that there will be but little hope for the adoption of my amendment. As long as members of this House have sons and as long as Senators have relatives who are willing to serve the country details in the Army will be made by selection. [Laughter.]

I do not think the amendment of the committee restoring the Inspector-General's Department strengthens the bill. Ours is the only army that possesses an independent Inspector-General's Department. Local inspections should be made by commanding officers. General inspections should be made by the authority that has the power to correct the mistakes that it discovers and to carry out the recommendations that it may make. The amendment of the committee, however, is of but little importance, for under existing law the Inspector-General's Department performs but one duty which the Secretary of War can not assign to other officers, and that is the inspection of the Soldiers' Homes. After the enactment of this bill, if the Secretary sees fit he can take from the Inspector-General's Department all its functions except the inspection of Soldiers' Homes and confer them upon the general staff. I should, I repeat, have preferred that this amendment had not been reported, but it does not materially injure the bill.

The bill was criticised yesterday on the ground that it deprived the Lieutenant-General of the Army of command. If the President wishes to do so he may assign the Lieutenant-General to any duty he sees fit. There is nothing sacred in the rank of the Lieutenant-General. As a matter of fact, the excellent and gallant officer who is our Lieutenant-General to-day is a member of the Board of Ordnance and Fortification and of the Board of Commissioners of the Soldiers' Home, and otherwise has practically no functions to perform except to command his aids and the doorkeeper who sits outside of his office.

It has been said, and truly said, that with the exception of the provision that makes the chief of the general staff a member of the Board of Ordnance and Fortification and of the Board of Commissioners of the Soldiers' Home, and that which gives first lieutenants detailed to the staff the rank, pay, and allowance of captains, there is nothing in this bill that could not be as well done by Executive order. That is perfectly true. The question is then asked, Why enact this bill? It is for the purpose of answering that question that I have taken the floor.

Despite the shortcomings of the bill, despite the fact that it is anything but perfect, despite the fact that it does not provide for the best possible general staff, I shall vote for it, because I consider that it is a step in the right direction, and that its enactment will greatly improve existing conditions. If we made grave mistakes in the Spanish war, if the Cuban campaign was anything but brilliant, it was not because the officers and men of